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MANUAL
OF
EMERGENCY LEGISLATION
COMPRISING ALL THE
ACTS OF PARLIAMENT, PROCLAMATIONS, ORDERS, &c.,
PASSED AND MADE IN CONSEQUENCE OF THE
WAR
TO
SEPTEMBER 30th, 1914.

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ALEXANDER PULLING, C.B.,
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TABLE OF CONTENTS.

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Page

PREFATORY NOTE iii

Chronological Table of Emergency Legislation ... ... v-xi

PART I.—NOTIFICATIONS OF A STATE OF WAR 1

PART II.—EMERGENCY STATUTES passed to end of the Session 4 & 5 Geo. V.

Table shewing duration, &c., of each Statute 3, 4

Full text of all these Statutes 5–46

PART III.—EMERGENCY PROCLAMATIONS, ORDERS, NOTIFICATIONS, REGULATIONS, RULES, DIRECTIONS, WARRANTS, General LICENCES, and Official NOTICES and ANNOUNCEMENTS made to September 30th, 1914, inclusive 47–402

APPENDIX A.—Alphabetical Lists of Goods prohibited to be Exported by Proclamations and Orders of Council: and List of Contraband Goods 403–408

APPENDIX B.—The Defence of the Realm Act, 1914, and the Defence of the Realm (No. 2) Act, 1914, consolidated, and the Defence of the Realm Regulations, 1914, and amending Regulations (No. 2) and (No. 3), likewise consolidated 409–417

APPENDIX C.—The Judicial Committee Rules, 1908, being the General Rules as to Appeals to the Judicial Committee 417–439

APPENDIX D.—The Patents, Designs and Trade Marks (Temporary Rules) Acts, 1914, consolidated 439

APPENDIX E.—Sections 96 to 98 of the Burgh Police (Scotland) Act, 1892, printed as amended and extended to counties by the Special Constables (Scotland) Act, 1914 440

APPENDIX F.—Provisions of the Police and Police (Scotland) Acts applied by the Police Constables (Naval and Military Service) Act, 1914 ... 441

APPENDIX G.—Convention VI. (Status of Enemy Merchant Ships) and Chapter III. of Convention XI. (Right of Capture in Maritime War) of the Hague Convention of 1907 442–445

APPENDIX H.—The Declaration of Paris of 1856, the Declaration of London of 1909, and the General Report of the Drafting Committee on the Declaration of London 446–514

SUPPLEMENT comprising Proclamations, &c., made between October 1st and 9th 515–531

INDEX to the whole of the contents of the Manual, including Editor's Notes, Appendices, and Supplement ... ... 532 *to end*

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PREFATORY NOTE.

This Volume comprises the full text of all the Statutes, Proclamations, Orders in Council, Rules, Regulations, and Notifications (whether subsequently amended, or repealed, or not), which have been passed and made to September 30th, 1914, in direct consequence of the European Crisis of August, 1914, and the ensuing State of War, with Notes.

It is divided into three Parts, of which the first consists of the Notifications of a State of War, the second of what may be termed the "emergency" Statutes in chapter sequence, and the third of the "emergency" Proclamations, Orders, &c., grouped under subject headings, and preceded by a chronological Table shewing their dates of issue.

Those Acts, Proclamations, Orders, &c., which are now (September 30th) no longer in force are printed in italics.

The footnotes afford a guide from the Statutes to the Orders, &c., thereunder and vice versâ, and also account for all repeals and amendments.

The main text is followed by a series of Appendices comprising certain documents (such as the Declarations of Paris and of London, the Hague Convention, and the Rules as to Appeals to the Judicial Committee) to which, though they are not themselves "Emergency Legislation," considerable reference is in that connection required.

The Order in Council of August 20th, 1914 (printed at p. 143), provides that the Declaration of London is to be interpreted by all Courts by the light of the commentary thereon given in the General Report of the Drafting Committee on the Declaration. That Report will be found at pp. 464-514 hereof.

The full text of both the Defence of the Realm Act, 1914, and of the Defence of the Realm (No. 2) Act, 1914, is given in Part II., and the full text of both the Defence of the Realm Regulations of August, and of the amending Regulations (Nos. 2 and 3) of September, in Part III. But as the second Act considerably modifies the first one, and the effect of the September Regulations is to very largely add to and modify the code first issued in August, it has been thought convenient to give the whole of both the two Acts and of the three sets of Regulations in consolidated form in Appendix B. The full text of the Acts as given in Part II. and of the Regulations as given in Part III. will be receivable in evidence: but for reference purposes the consolidated forms in the Appendix may be found more convenient.

For like purposes of reference it has been considered convenient to reprint in Appendices Section 1 of the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914, as amended by the Amendment Act, and to set out both the sections of the Burgh Police (Scotland) Act, 1892, which are amended and extended to counties by the Special Constables (Scotland) Act, 1914, and those sections of the Police and Police (Scotland) Acts which are applied by the Police Constables (Naval and Military Service) Act, 1914.

At the end of the Volume will be found an Index to the whole of its contents (including these Appendices), prefaced by a Note (p. 532) describing its plan and scope.

The present Edition comprises all the legislation so consequent, passed or made as regards Acts of Parliament to the end of the Session 4 & 5 George V. (*i.e.*, September 18th), and as regards other matters to September 30th, 1914, inclusive, and it therefore comprises the Final Postponement of Payments Proclamation and other Proclamations and Orders in Council made by His Majesty that day.

This book being printed for the "King's Printer of Acts of Parliament" the copies of Acts therein contained have the same authorisation as separate copies of Acts similarly printed, and similarly purchasable.

The book being printed under the authority of His Majesty's Stationery Office, will by virtue of the Documentary Evidence Acts, 1868 to 1895 (31 & 32 Vict. c. 37; 45 & 46 Vict. c. 9; and 58 & 59 Vict. c. 9), Section 36 of the Post Office Act, 1908 (8 Edw. 7, c. 48), and Section 29 (3) of the National Insurance Act, 1913 (3 & 4 Geo. 5, c. 37), be *primâ facie* evidence in any legal proceedings of the Proclamations, Orders or Regulations contained in it which have been made by His Majesty the King, or by the Privy Council, the Treasury, the Admiralty, a Secretary of State, the Board of Trade, the Postmaster-General, the Board of Agriculture and Fisheries, or the Insurance Commissioners.

At the head of such of the Orders, &c., printed in Part III. and the Appendices as are "Statutory Rules and Orders" within the meaning of Section 3 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66), and of the Regulations thereunder, will be found the numbers under which such Statutory Rules and Orders have, under that section and those Regulations, been printed and put on sale and by which separate copies of them are purchasable from the official sale agents. Section 3 (2) of the 1893 Act authorises their citation by such numbers and the calendar year.

In the case of Orders, &c., which have been gazetted the date of the first Gazette in which the document was published will be found in the footnotes.

ALEXANDER PULLING.

The Temple,
September 30, 1914.

Whilst this work was in the press, the Aliens Restriction (Change of Name) Order has been made by His Majesty in Council, and a further Proclamation made as to Trading with the Enemy. These and other Documents, including the Board of Trade Notice to Importers and Exporters of October 9th, have been printed in the Supplement (pp. 515-531) and carried into the Index at the end of the Manual, which has thus been brought up to the date mentioned below.

A. P.

October 9th, 1914.

CHRONOLOGICAL TABLE OF EMERGENCY LEGISLATION,

passed between AUGUST 1ST and SEPTEMBER 30TH, 1914.(**a**)

[Those Acts, Proclamations, &c., of which the titles are printed in *italics* are now (September 30th, 1914) no longer in force.]

Date.	Title. (**b**)	Page.
Aug. 1	Notice under Wireless Telegraphy (Foreign Ships) Regulations that an Emergency has arisen	402
,,	Admiralty Regulations for the Prohibition of the use of Wireless Telegraphy by Merchant Vessels...	402
Aug. 2	Proclamation Postponing Payment of certain Bills of Exchange. (1914, No. 1164)	238
,,	Order of Secretary of State under Aerial Navigation Acts, 1911 and 1913. (1914, No. 1117)	47
Aug. 3	Proclamation Calling out Men of Royal Naval Reserve and Royal Fleet Reserve, and Officers and Men of Royal Naval Volunteer Reserve. (1914, No. 1176)	206
,,	Proclamation Extending Services of Time-expired Men in Royal Navy. (1914, No. 1175)	205
,,	Proclamation authorising the Admiralty to requisition any British Ship or British Vessel within British Isles or Waters adjacent thereto. (1914, No. 1247)	386
,,	Proclamation prohibiting Exportation of certain Warlike Stores. (1914, No. 1166)	160
,,	Proclamation appointing August 4th, 5th, and 6th, Bank Holidays. (1914, No. 1172)	99
,,	Proclamation of Lord Lieutenant appointing August 4th, 5th and 6th, Bank Holidays	100
,,	Order in Council calling Officers of the Reserved and Retired Lists into Active Service and Suspending Compulsory Retirement from the Active List	206
Aug. 4	Notification of a State of War with Germany	1
,,	Proclamation Calling out Army Reserve and Embodying Territorial Force. (1914, No. 1174)...	87
,,	Proclamation continuing Soldiers in Army Service. (1914, No. 1173)	86
,,	Proclamation regarding the Defence of the Realm. (1914, No 1249)	145
,,	Proclamation specifying Articles to be treated as Contraband of War. (1914, No. 1250)	108
,,	Order in Council as to Government control of the Railroads of Great Britain. (1914, No. 1300)	368
,,	Order in Council as to the Detention of German Ships. (1914, No. 1248)	138
,,	Order in Council for Calling out Militia Reserve of Jersey ...	191
,,	Proclamation giving Notice of Order in Council Calling out Militia Reserve of Jersey	192
,,	Order of His Majesty authorising General or Field Officers to issue Billeting Requisitions	88

(**a**) As stated in Prefatory Note certain "Emergency Orders" made between October 1st and 9th have been included whilst the Manual was passing through the press. For these *see* Supplement at end of work, and the Index.

(**b**) The number (*e.g.*, 1914, No. 1164) following a Statutory Rule and Order is that by which such Rule or Order may be cited. *see* Prefatory Note, page iv.

Date.	Title. (a)	Page.
Aug. 4	Order of His Majesty authorising General or Field Officers to issue Requisitions of Emergency	90
"	Order of the Lord Lieutenant authorising General or Field Officers in Ireland to issue Billeting Requisitions....	88
"	Order of the Lord Lieutenant authorising General or Field Officers in Ireland to issue Requisitions of Emergency	91
"	Warrant of the Secretary of State empowering the President of the Board of Trade to take possession of all Railroads of Great Britain	369
"	Army Order 289 of 1914 promulgating Special Rates to be paid for Billeting in cases of Emergency. (1914, No. 1452)	89
Aug. 5	Postponement of Payments Act, 1914 (4 & 5 Geo. 5. c. 11)	5
"	Aliens Restriction Act, 1914 (4 & 5 Geo. 5. c. 12)	6
"	Prize Courts (Procedure) Act, 1914 (4 & 5 Geo. 5. c. 13)	8
"	*Proclamation as to Trading with the Enemy. (1914, No. 1252) (rep. by No. 1376, see p. 378)*	375
"	Proclamation prohibiting British Vessels from carrying Contraband from one Foreign Port to another. (1914, No. 1251)	110
"	Proclamation prohibiting Exportation of certain Warlike Stores, Provisions and Victual. (1914, No. 1167)...	164
"	Proclamation prohibiting Exportation of Warlike Stores to certain Countries. (1914, No. 1169)	162
"	Proclamation as to Financial Assistance to the Enemy. (1914, No. 1253)	177
"	Order in Council authorising the Admiralty to require the Constitution of a Prize Court (Germany). (1914, No. 1262)	248
"	Order in Council prescribing the Rules and Tables of Fees to be observed and taken in Prize Proceedings ("The Prize Court Rules, 1914"). (*The Rules thus made as "Provisional Rules" were made "Statutory" by 1914 No. 1407, p. 365*)...	256
"	Order in Council as to Royal Indian Marine Vessels "Hardinge" and "Dufferin." (1914, No. 1178)	178
"	*Aliens Restriction Order, 1914. (1914, No. 1161) (rep. by No. 1374, see p. 68)*	48
"	Estimate of additional Number of Men required for Army Service	93
Aug. 6	Currency and Bank Notes Act, 1914 (4 & 5 Geo. 5, c. 14)	9
"	Proclamation (First General) under Postponement of Payments Act, 1914. (1914, No. 1165)...	239
"	Order of Board of Agriculture and Fisheries Suspending Operation of certain Orders	158
Aug. 7	Electoral Disabilities (Naval and Military Service) Removal Act, 1914 (4 & 5 Geo. 5. c. 25)	11
"	Army (Supply of Food, Forage, and Stores) Act, 1914 (4 & 5 Geo. 5. c. 26)	11
"	Patents, Designs and Trade Marks (Temporary Rules) Act, 1914 (4 & 5 Geo. 5. c. 27)	12
"	Notice declaring that Articles III. to VIII. of the Order in Council of Aug. 4th, relating to German Ships in British Ports at the outbreak of hostilities, will not come into operation	141
"	Notice of proposal to submit the "Provisional Prize Court Rules, 1914" for making as "Statutory Rules"	364
Aug. 8	Defence of the Realm Act, 1914 (4 & 5 Geo. 5. c. 29)	13

(**a**) The number (*e.g.*, 1914, No. 1452) following a Statutory Rule and Order is that by which such Rule or Order may be cited, *see* Prefatory Note, p. iv.

Date.	Title. (**a**)	Page.
Aug. 10	Injuries in War (Compensation) Act, 1914 (4 & 5 Geo. 5. c. 30)	14
"	Police Reservists (Allowances) Act, 1914 (4 & 5 Geo. 5. c. 34)	15
"	*Unreasonable Withholding of Food Supplies Act, 1914 (4 & 5 Geo. 5. c. 51 (rep. by 4 & 5 Geo. 5. c. 65, s. 4 (3) p. 23)* ...	16
"	Housing (No. 2) Act, 1914 (4 & 5 Geo. 5. c. 52)	17
"	Special Constables (Scotland) Act, 1914 (4 & 5 Geo. 5. c. 53)	19
"	Proclamation prohibiting the Exportation of certain Warlike Stores, Provisions, and Victual. (1914, No. 1168) ...	165
"	*Aliens Restriction (No. 2) Order, 1914 (1914, No. 1170) (rep. by No. 1374, see p. 68)*	63
"	Order in Council approving scheme under the Injuries in War (Compensation) Act, 1914. (1914, No. 1177) ...	182
"	Order authorising General or Field Officers to issue Requisitions of Emergency	92
Aug. 11	Order of the Lord Lieutenant authorising General or Field Officers in Ireland to issue Requisitions of Emergency ...	92
"	*Notification as to the Constitution of the Admiralty Transport Arbitration Board (superseded by Notification of August 31, 1914*, p. 390)	387
Aug. 12	Notification of a State of War with Austria-Hungary ...	1
"	Proclamation extending to Austria-Hungary the scope of certain Proclamations and an Order in Council connected with the War. (1914, No. 1254)	97
"	Proclamation (Second General) under Postponement of Payments Act, 1914. (1914, No. 1230)	241
"	Order in Council as to Royal Indian Marine Vessels "Northbrook" and "Minto." (1914, No. 1232)	179
"	Defence of the Realm Regulations, 1914. (1914, No. 1231)	146
"	*Aliens Restriction (No. 3) Order, 1914. (1914, No. 1229) (rep. by No. 1374, see p. 68)*	65
"	Letter from the Chancellor of the Exchequer to the Bank of England as to Assistance in regard to Bills of Exchange...	101
Aug. 13	Royal Warrant under Sign Manual revoking Exequaturs of German or Austro-Hungarian subjects exercising Consular functions for any third Power	106
Aug. 14	Letter from War Office to Treasury as to Expenditure under Vote of Credit	400
Aug. 15	Notice declaring that Articles III to VIII of the Order in Council of August 4th, as extended by Proclamation of August 12th to Austro-Hungarian ships in British Ports at the outbreak of hostilities, will come into operation ...	142
Aug. 20	Proclamation modifying Proclamations relating to Exportations of certain Warlike Stores, Provisions and Victual. (1914, No. 1259)	168
"	Order in Council adopting during the present hostilities the provisions of the "Declaration of London" with Modifications. (1914, No. 1260)	143

(**a**) The number (*e.g.*, 1914, No. 1168) following a Statutory Rule and Order is that by which such Rule or Order may be cited, *see* Prefatory Note, p. iv.

Date.	Title. (**a**)	Page.
Aug. 20	*Aliens Restriction (No. 4) Order, 1914. (1914, No. 1258) (rep. by No. 1374, see p.* 68)	67
„	Order in Council as to Royal Indian Marine Vessel "Dalhousie." (1914, No. 1261)	180
„	Order in Council authorising Admiralty to require the Constitution of a Prize Court (Austria-Hungary). (1914, No. 1263)	250
„	Treasury Minute as to the Vote of Credit	396
Aug. 21	Patents, Designs, and Trade Marks (Temporary) Rules, 1914. (1914, No. 1255)	226
„	Notice as to Procedure under Rules 2, 3 of Patents, Designs, and Trade Marks (Temporary) Rules, 1914	229
„	Trade Marks (Temporary) Rules, 1914. (1914, No. 1256)...	230
Aug. 22	*Official Announcement in explanation of Trading with the Enemy Proclamation of August 5th (rep. by 1914, No. 1376, see p.* 378)	377
Aug. 27	Arrangements made in accordance with the Currency and Bank Notes Act, 1914, for placing currency notes at the disposal of the banks (**b**)	136
„	Letter from the Treasury to the Bank of England as to Assistance in regard to Bills of Exchange	102
„	Letter from Bank of England in reply to foregoing	104
Aug. 28	War Loan Act, 1914 (4 & 5 Geo. 5. c. 60)	20
„	Special Constables Act, 1914 (4 & 5 Geo. 5 c. 61)	20
„	Isle of Man (War Legislation) Act, 1914 (4 & 5 Geo. 5. c. 62)	22
„	Defence of the Realm (No. 2) Act, 1914 (4 & 5 Geo. 5. c. 63)	22
„	Customs (Exportation Prohibition) Act, 1914 (4 & 5 Geo. 5. c. 64)	23
„	Articles of Commerce (Returns, &c.) Act, 1914 (4 & 5 Geo. 5. c. 65)	23
„	Elementary School Teachers (War Service Superannuation) Act, 1914 (4 & 5 Geo. 5. c. 66)	25
„	Education (Scotland) (War Service Superannuation) Act, 1914 (4 & 5 Geo. 5. c. 67)	26
„	Police (Scotland) (Limit of Age) Act, 1914 (4 & 5 Geo. 5. c. 69)	27
„	Naval Billeting, &c., Act, 1914 (4 & 5 Geo. 5. c. 70)	28
„	Housing (No. 2) (Amendment) Act, 1914 (4 & 5 Geo. 5. c. 71)	29
„	Currency and Bank Notes (Amendment) Act, 1914 (4 & 5 Geo. 5. c. 72)	29
„	Patents, Designs, and Trade Marks Temporary Rules (Amendment) Act, 1914 (4 & 5 Geo. 5. c. 73)	30
„	Order in Council providing for cancellation of so much of Proclamation of 1900 as relates to Distribution of Net Proceeds of Naval Prizes (1914, No. 1301)	208
„	Order of Council withdrawing certain prohibitions on Exportation of Provisions and Victual to Dominions, &c. (1914, No. 1303)	170
Aug. 31	Slaughter of Animals Act, 1914 (4 & 5 Geo. 5. c. 75) ...	31
„	Death Duties (Killed in War) Act, 1914 (4 & 5. Geo. 5. c. 76)	32

(**a**) The number (*e.g.*, 1914, No. 1258) following a Statutory Rule and Order is that by which such Rule or Order may be cited, *see* Prefatory Note, p. iv.

(**b**) August 27th is the date at which this paper was presented to the House of Commons.

Date.	Title. (**a**)	Page.
Aug. 31	Intoxicating Liquor (Temporary Restriction) Act, 1914 (4 & 5 Geo. 5. c. 77)	33
,,	Courts (Emergency Powers) Act, 1914 (4 & 5 Geo. 5. c. 78)	35
,,	Notification as to the constitution of the Admiralty Transport Arbitration Board	390
Sept. 1	*Proclamation under Postponement of Payments Act, 1914. (1914, No. 1306) (rep. by No. 1324, see p.* 244)	242
,,	Defence of the Realm (No. 2) Regulations, 1914. (1914, No. 1307)	151
,,	Order of Council withdrawing prohibition on Exportation of Jams, Marmalades and Condensed Milk. (1914, No. 1308)	171
Sept. 2	*Order of Secretary of State as to Carrier and Homing Pigeons (superseded by Order of September 21st, p.* 157)	156
Sept. 3	Proclamation (Third General) under Postponement of Payments Act, 1914. (1914, No. 1324)	244
,,	Order in Council extending Postponement of Payments Act, 1914 to Isle of Man. (1914, No. 1325)	190
,,	Order prescribing Limit of Age of Persons transferred or appointed to any Police Force in Scotland during continuance of War. (1914, No. 1326)	237
Sept. 5	Designs (Temporary) Rules, 1914. (1914, No. 1327) ...	233
,,	Statement appearing in the Press as to Assistance in regard to Bills of Exchange	104
Sept. 7	Patents and Designs (Temporary) Rules, 1914. (1914, No. 1328)	236
,,	Notice as to Procedure under Rule 1 of the Patents, &c., the Trade Marks, and the Designs (Temporary) Rules ...	235
Sept. 8	Order of Council amending Proclamations prohibiting the Exportation of various Articles. (1914, No. 1334) ...	172
,,	Courts (Emergency Powers) Rules, 1914, made by Lord Chancellor. (1914, No. 1329)	115
Sept. 9	Trading with the Enemy Proclamation (No. 2). (1914, No. 1376)	378
,,	Aliens Restriction (Consolidation) Order 1914. (1914, No. 1374)	68
,,	Special Constables Order, 1914. (1914, No. 1375)	370
,,	Order in Council extending the Defence of the Realm Acts, 1914, and the Regulations thereunder to the Isle of Man. (1914, No. 1377)	189
,,	Estimate of Additional Number of Men required for Army Service	94
Sept. 10	*Order of Secretary of State as to Carrier and Homing Pigeons (superseded by Order of September 21st, p. 157)*	156
,,	County Court Rule as to Postponement of Payments Act. (1914, No. 1335)	112
Sept. 11	Order of Council prohibiting Exportation of Sugar, &c. (1914, No. 1382)	174
,,	Directions of Lord Chancellor under Courts (Emergency Powers) Act. (1914, No. 1379)	120
,,	Provisional Regulations of the Insurance Commissioners as to men belonging to the Naval Reserves, the Army Reserve, and the Territorial Force	197
,,	Provisional Regulations of the Welsh Insurance Commissioners as to men belonging to the Naval Reserves, the Army Reserve, and the Territorial Force	203

(**a**) The number (*e.g.*, 1914, No. 1306) following a Statutory Rule and Order is that by which such Rule or Order may be cited, *see* Prefatory Note, p. iv.

Date.	Title. (**a**)	Page.
Sept. 12	Regulations of the Scottish Insurance Commissioners as to men belonging to the Naval Reserves, the Army Reserve, and the Territorial Force (1914. No. 1388)	199
Sept 15	Treasury Order as to County Court Fees under Courts (Emergency Powers) Rules (1914, No. 1387)	113
"	Army Order XXI as to Special Rates to be paid for Billeting in cases of Emergency. (1914, No. 1453)	90
Sept. 16	Provisional Regulations of the Irish Insurance Commissioners as to men belonging to the Naval Reserves, the Army Reserve, and the Territorial Force	201
Sept. 17	Proclamation authorising the Board of Trade to take Possession of Articles of Commerce unreasonably withheld from the Market. (1914, No. 1403)...	96
"	Courts (Emergency Powers) Order, 1914. (1914, No. 1404)...	114
"	Special Constables (Scotland) Order, 1914. (1914, No. 1406)	373
"	Order in Council prescribing the Rules and Tables of Fees to be observed and taken in Prize Proceedings. ("The Prize Court Rules, 1914"). (1914, No. 1407)	365
"	Order in Council amending the Defence of the Realm Regulations, 1914. (1914, No. 1405)	154
"	Further Directions of Lord Chancellor to County Courts under Courts (Emergency Powers) Act. (1914, No. 1412)	121
"	Direction of Lord Chancellor relating to Summary Jurisdiction Courts under Courts (Emergency Powers) Act. (1914 No. 1413)	124
"	Courts (Emergency Powers) Rules, 1914, made by Lord Chancellor of Ireland. (1914, No. 1411)	127
Sept. 18	Prize Courts (Egypt, Zanzibar and Cyprus) Act, 1914 (4 & 5 Geo. 5, c. 79)	37
"	Police Constables (Naval and Military Service) Act, 1914 (4 & 5 Geo. 5, c. 80)	38
"	National Insurance (Navy and Army) Act, 1914 (4 & 5 Geo. 5, c. 81)	39
"	Bills of Exchange Act, 1914 (4 & 5 Geo. 5, c 82)	40
"	Army Pensions Act, 1914 (4 & 5 Geo. 5. c. 83)	40
,	Irish Police Constables (Naval and Military Service) Act, 1914 (4 & 5 Geo. 5. c. 84)	41
"	Rates (Proceedings for Recovery) Act, 1914 (4 & 5 Geo. 5. c. 85)	42
"	Trading with the Enemy Act, 1914 (4 & 5 Geo. 5. c. 87) ...	42
"	Suspensory Act, 1914 (4 & 5 Geo. 5. c. 88)	46
"	Navy (Pledging of Certificates, &c.) Act, 1914 (4 & 5 Geo. 5. c. 89)	46
"	Additional Rule made by Lord Chancellor under Courts (Emergency Powers) Act. (1914, No. 1438.)	124
Sept. 21	Proclamation specifying Additional Articles to be treated as Contraband of War. (1914, No. 1410)	111
"	Order of Secretary of State as to carrier and homing Pigeons	157
Sept. 22	Licence granted by Secretary of State under Trading with the Enemy Proclamation (No. 2)	381
"	Memorandum as to Separation Allowances to Wives and Children of Seamen, Marines, and Naval Reservists ...	209

(**a**) The number (*e.g.*, 1914, No. 1388) following a Statutory Rule and Order is that by which such Rule or Order may be cited, *see* Prefatory Note, p. iv.

Date.	Title. (**a**)	Page.
Sept. 23	Licence granted by Board of Trade under Trading with the Enemy Proclamation (No. 2) in connection with patents, designs, and trade marks	381
Sept. 25	Order of Council amending Proclamations and Order of Council prohibiting the Exportation of various Articles. (1914, No. 1437)	175
,,	Licence granted by Board of Trade under Trading with the Enemy Proclamation (No. 2) respecting payment of freights and other charges in respect of enemy ships ...	383
Sept. 27	Board of Trade Announcement as to British Cargoes in Enemy Ships in Neutral Ports	383
Sept. 28	Act of Sederunt under the Courts (Emergency Powers) Act. (1914, No. 1445)	125
Sept. 30	Proclamation (Final) under Postponement of Payments Act, 1914. (1914, No. 1446)	246
,,	Proclamation extending the Prohibitions of the Trading with the Enemy Proclamation (No. 2). (1914. No. 1447) ...	384
,,	Order in Council extending Aliens Restriction Act, 1914 to Isle of Man. (1914, No. 1448)	186
,,	Aliens Restriction (Isle of Man) Order, 1914. (1914, No. 1449)	186
,,	Order in Council conferring jurisdiction in matters of Prize on certain British Courts in Egypt, Zanzibar and Cyprus, and authorising the Admiralty to require the Constitution of Prize Courts (1914, No. 1450)	253
,,	Order in Council (Provisional) amending the Rules to be observed in Prize Proceedings	366
,,	National Health Insurance (Officers, Warrant Officers and Soldiers) (Provisional) Regulations, 1914	193
Not dated	Modifications effected in the Army Act as applied to Naval Billeting by the Naval Billeting, &c., Act, 1914. (1914, No. 1468)	212
,,	Modifications effected in the Army Act as applied to Naval Requisitions of Emergency by the Naval Billeting Act, 1914. (1914, No. 1469)	220
,,	Increased Rates of Separation Allowances for Wives and Children of Soldiers	94

(**a**) The number (*e.g.*, 1914, No. 1437) following a Statutory Rule and Order is that by which such Rule or Order may be cited, *see* Prefatory Note, p. iv.

MANUAL

OF

EMERGENCY LEGISLATION.

[*Attention is directed to the Prefatory Note at p. iii. which describes the scope and arrangement of the Manual.*]

Part I.

NOTIFICATIONS OF A STATE OF WAR.

A STATE OF WAR.(a)

His Majesty's Government informed the German Government on August 4th, 1914, that, unless a satisfactory reply to the request of His Majesty's Government for an assurance that Germany would respect the neutrality of Belgium was received by midnight of that day, His Majesty's Government would feel bound to take all steps in their power to uphold that neutrality and the observance of a treaty to which Germany was as much a party as Great Britain.

The result of this communication having been that His Majesty's Ambassador at Berlin had to ask for his passports, His Majesty's Government have accordingly formally notified the German Government that a state of war exists between the two countries as from 11 p.m. to-day.

Foreign Office,
August 4th, 1914.

NOTICE.(b)

Diplomatic relations between France and Austria being broken off, the French Government have requested His Majesty's Government to communicate to the Austro-Hungarian Ambassador in London the following Declaration:—

"Après avoir déclaré la guerre à la Serbie et pris ainsi la première initiative des hostilités en Europe, le Gouvernement austro-hongrois s'est mis, sans aucune provocation du Gouvernement de la République Française, en état de guerre avec la France;

1o.—Après que l'Allemagne avait successivement déclaré la guerre à la Russie et à la France, il est intervenu dans ce conflit en déclarant la guerre à la Russie qui combattait déjà aux côtes de la France.

2o.—D'après de nombreuses informations dignes de foi, l'Autriche a envoyé des troupes sur la frontière allemande, dans des conditions qui constituent une menace directe à l'égard de la France.

(a) This Notification was published in the "London Gazette" of August 7th, 1914.

(b) This Notice was published in the "London Gazette" of August 14th, 1914.

En présence de cet ensemble de faits, le Gouvernement français se voit obligé de déclarer au Gouvernement austro-hongrois qu'il va prendre toutes les mesures qui lui permettront dé répondre à ces actes et à ces menaces."

In communicating this Declaration accordingly to the Austro-Hungarian Ambassador, His Majesty's Government have declared to His Excellency that the rupture with France having been brought about in this way, they feel themselves obliged to announce that a state of war exists between Great Britain and Austria-Hungary as from midnight.

Foreign Office,
August 12th, 1914.

[*Attention is directed to the Prefatory Note at p. iii. which describes the scope and arrangement of the Manual.*]

Part II.

EMERGENCY STATUTES.

LIST OF THE EMERGENCY STATUTES (4 & 5 GEO. 5) PRINTED IN THIS MANUAL SHEWING THEIR DURATION WHERE EXPRESSED TO BE TEMPORARY AND THE EXTENT TO WHICH THEY ARE AFFECTED BY SUBSEQUENT STATUTES. (a)

Chapter.	Short Title.	Page.	Duration of Act where temporary and confined to present Emergency.	How affected.
11	Postponement of Payments.	5	6 months from August 3, 1914.	—
12	Aliens Restriction ...	6	—	—
13	Prize Courts (Procedure)	8	—	—
14	Currency and Bank Notes	9	—	Am. 4 & 5 Geo. 5, c. 71.
25	Electoral Disabilities (Naval and Military Service) Removal.	11	Continuance of present War.	—
26	Army (Supply of Food, Forage, and Stores).	11	—	—
27	Patents, Designs and Trade Marks (Temporary Rules).	12	Continuance of present War and 6 months thereafter.	Am. 4 & 5 Geo. 5, c. 73.
29	Defence of the Realm ...	13	Continuance of present War.	Am. 4 & 5 Geo. 5, c. 63.
30	Injuries in War (Compensation).	14	—	—
34	Police Reservists (Allowances).	15	—	Am. 4 & 5 Geo. 5, c. 80. 4 & 5 Geo. 5, c. 84.
51	*Unreasonable withholding of Food Supplies.*	16	—	Rep. 4 & 5 Geo. 5, c. 65, s. 4 (3).
52	Housing (No. 2) ...	17	One year from August 10, 1914.	Am. 4 & 5 Geo. 5, c. 71.
53	Special Constables (Scotland).	19	—	—
60	War Loan	20	—	—
61	Special Constables ...	20	Confined to Constables appointed during present War.	—
62	Isle of Man (War Legislation).	22	Dependant on Orders in Council thereunder.	—
63	Defence of the Realm (No. 2).	22	Continuance of present War.	—
64	Customs (Exportation Probibition).	23	—	—
65	Articles of Commerce (Returns, &c.).	23	Continuance of present War and 6 months thereafter.	—

(a) Certain of the Emergency Statutes have under powers therein contained been extended or modified. The footnotes to the full text of the Emergency Statutes which immediately follows this List shew all such extensions and modifications and at what pages of the Manual full text of the Orders in Council, &c., affecting them are printed.

Chapter.	Short Title.	Page.	Duration of Act where temporary and confined to present Emergency.	How affected.
66	Elementary School Teachers (War Service Superannuation).	25	Confined to service in present War.	—
67	Education (Scotland) (War Service Superannuation).	26		
69	Police (Scotland) (Limit of Age).	27	Confined to appointments during present War.	—
70	Naval Billeting, &c. ...	28	—	—
71	Housing (No. 2) Amendment.	29	One year from August 10, 1914.	—
72	Currency and Bank Notes Amendment.	29	—	—
73	Patents, Designs and Trade Marks Temporary Rules (Amendment).	30	Continuance of present War and 6 months thereafter.	—
75	Slaughter of Animals ...	31	One year from August 31, 1914.	—
76	Death Duties (Killed in War).	32	Confined to persons killed in present War.	—
77	Intoxicating Liquor (Temporary Restriction).	33	Continuance of present War and one month thereafter.	—
78	Courts (Emergency Powers).	35	Continuance of present War and 6 months thereafter.(**a**)	—
79	Prize Courts (Egypt, Zanzibar, and Cyprus).	37	Continuance of present War.	—
80	Police Constables (Naval and Military Service).	38	—	—
81	National Insurance (Navy and Army).	39	Confined to service in present War.	—
82	Bills of Exchange ...	40	Continuance of present War and 6 months thereafter.(**a**)	—
83	Army Pensions	40	—	
84	Irish Police Constables (Naval and Military Service).	41	—	
85	Rates (Proceedings for Recovery).	42	Confined to present War	—
87	Trading with the Enemy	42		
(**b**)88	Suspensory	46	—	—
89	Navy (Pledging of Certificates, &c.).	46	—	—

(**a**) The Act is determinable earlier by Order in Council, but no such Order in Council has (September 30, 1914) been made.

(**b**) This Act relates to suspension till September 18, 1915, or period not later than end of present war, of Government of Ireland (4 & 5 Geo. 5. c. 90), and Welsh Church (4 & 5 Geo. 5. c. 91) Acts.

EMERGENCY STATUTES.

4 & 5 George 5.

[Here follow these Statutes, printed in order of Chapter: those specifically repealed being printed in italic type.]

CHAPTER 11.

An Act to authorise His Majesty by Proclamation to suspend temporarily the payment of Bills of Exchange and payments in pursuance of other obligations.(**a**)

[3rd August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to postpone payments by Royal Proclamation.

1.—(1) His Majesty may by Proclamation authorise the postponement of the payment of any bill of exchange, or of any negotiable instrument, or any other payment in pursuance of any contract, to such extent, for such time, and subject to such conditions or other provisions as may be specified in the Proclamation (**b**).

(2) No additional stamp duty shall be payable in respect of any instrument as a consequence of any postponement of payment in pursuance of a proclamation under this Act unless the proclamation otherwise directs.

(3) Any such proclamation may be varied, extended, or revoked by any subsequent proclamation, and separate proclamations may be made dealing with separate subjects.

(4) The proclamation dated the third day of August, nineteen hundred and fourteen, relating to the postponement of payment of certain bills of exchange(**c**) is hereby confirmed and shall be deemed to have been made under this Act.

Short title and duration.

2.—(1) This Act may be cited as the Postponement of Payments Act, 1914.

(2) This Act shall remain in force for a period of six months from the date of the passing thereof.

(**a**) By Order in Council of September 3rd, 1914, printed at p. 190 below, this Act was extended with adaptations to the Isle of Man.

(**b**) *See* the Proclamations of August 6th and 12th, and of September 1st, 3rd and 30th, printed under heading "Postponement of Payments" at pp. 239–248 below.

(**c**) The word "third" is a clerical error for the word "second," and the Act is to be read as if "second" instead of "third" occurred in the sub-section. *See* Rex *v.* Wilcock (1845) 7 Q.B. 317; *In re* Boothroyd (1846) 15 M. & W. 1. The Proclamation dated August 2nd, 1914, is printed under heading "Postponement of Payments" at p. 238 below.

CHAPTER 12.

An Act to enable His Majesty in time of war or imminent national danger or great emergency by Order in Council to impose Restrictions on Aliens and make such provisions as appear necessary or expedient for carrying such restrictions into effect.(**a**) [5th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Powers with respect to aliens in case of national emergency.

1.—(1) His Majesty may at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, by Order in Council impose restrictions on aliens,(**b**) and provision may be made by the Order—

(*a*) for prohibiting aliens from landing in the United Kingdom, either generally or at certain places, and for imposing restrictions or conditions on aliens landing or arriving at any port in the United Kingdom; and

(*b*) for prohibiting aliens from embarking in the United Kingdom, either generally or at certain places, and for imposing restrictions and conditions on aliens embarking or about to embark in the United Kingdom; and

(*c*) for the deportation of aliens from the United Kingdom; and

(*d*) for requiring aliens to reside and remain within certain places or districts; and

(*e*) for prohibiting aliens from residing or remaining in any areas specified in the Order; and

(*f*) for requiring aliens residing in the United Kingdom to comply with such provisions as to registration, change of abode, travelling, or otherwise as may be made by the Order; and

(*g*) for the appointment of officers to carry the Order into effect, and for conferring on such officers and on the Secretary of State such powers as may be necessary or expedient for the purposes of the Order; and

(*h*) for imposing penalties on persons who aid or abet any contravention of the Order, and for imposing such obligations and restrictions on masters of ships or any other persons specified in the Order as appear necessary or expedient for giving full effect to the Order; and

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(**a**) By Order in Council of September 30th, 1914, printed at p. 186, this Act was extended to the Isle of Man.

(**b**) *See* "The Aliens Restriction (Consolidation) Order, 1914," printed at pp. 68–85 below. This Order repealed as from September 9th, 1914, the four "Aliens Restriction Orders, 1914," which were made August 5th, 10th, 12th and 20th respectively and are printed at pp. 48–67 below. The Consolidation Order was amended by Order in Council of October 8th, printed in the Supplement.

(*i*) for conferring upon such persons as may be specified in the Order such powers with respect to arrest, detention, search of premises or persons, and otherwise, as may be specified in the Order, and for any other ancillary matters for which it appears expedient to provide with a view to giving full effect to the Order; and

(*k*) for any other matters which appear necessary or expedient with a view to the safety of the realm.

(2) If any person acts in contravention of, or fails to comply with, any provisions of any such Order, he shall be liable on conviction under the Summary Jurisdiction Acts(**a**) to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months, and the court before which he is convicted may, either in addition to, or in lieu of, any such punishment, require that person to enter into recognizances with or without sureties to comply with the provisions of the Order in Council or such provisions thereof as the court may direct.

If any person fails to comply with an order of the court requiring him to enter into recognizances the court, or any court of summary jurisdiction sitting for the same place, may order him to be imprisoned with or without hard labour for any term not exceeding six months.

(3) Any provision of any Order in Council made under this section with respect to aliens may relate either to aliens in general or to any class or description of aliens.

(4) If any question arises on any proceedings under any such Order, or with reference to anything done or proposed to be done under any such Order, whether any person is an alien or not, or is an alien of a particular class or not, the onus of proving that that person is not an alien, or, as the case may be, is not an alien of that class, shall lie upon that person.

(5) His Majesty may by Order in Council revoke, alter, or add to any Order in Council made under this section as occasion requires.

(6) Any powers given under this section, or under any Order in Council made under this section, shall be in addition to, and not in derogation of, any other powers with respect to the expulsion of aliens, or the prohibition of aliens from entering the United Kingdom(**b**) or any other powers of His Majesty.

(**a**) "The Summary Jurisdiction Acts" means, in relation to England and Wales, the Summary Jurisdiction Act, 1848 (11 & 12 Vict., c. 43), and the Summary Jurisdiction Act, 1879 (42 & 43 Vict., c. 49), and any Act, past or future, amending those Acts or either of them: in relation to Scotland, the Summary Jurisdiction (Scotland) Act, 1908 (8 Edw. 7, c. 65), and the Summary Jurisdiction (Scotland) Act, 1908, Amendment Act, 1909 (9 Edw. 7, c. 28); and in relation to Ireland, so far as respects the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace or of the police of that district, and as respects any other part of Ireland, the Petty Sessions (Ireland) Act, 1851 (14 & 15 Vict., c. 93) and any Act, past or future, amending the same. (*See* Interp. Act, 1889 (52 & 53 Vict., c. 63), s. 13 (7)–(10); 8 Edw. 7, c. 65, s. 3, Sch. A; 9 Edw. 7, c. 28, s. 1).

(**b**) *See* the Aliens Act, 1905 (5 Edw. 7. c. 13), and the Orders made thereunder, which are published as "Statutory Rules"—*see* "Index to Statutory Rules and Orders in Force" (1913 Edition), pp. 7, 8.

Short title and application.

2.—(1) This Act may be cited as the Aliens Restriction Act, 1914.

(2) In the application of this Act to Scotland the expressions "the court" and "any court of summary jurisdiction" mean the sheriff; and the expressions "enter into recognizances with or without sureties" and "enter into recognizances" mean "find caution."

CHAPTER 13.

An Act to amend the Law relating to Procedure in Prize Courts.
[5th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Procedure in prize courts.

57 & 58 Vict. c. 39.

27 & 28 Vict. c. 25.

1.—(1) As from the date when rules under an Order in Council made after the passing of this Act in pursuance of section three of the Prize Courts Act, 1894, regulating the procedure and practice in prize courts, come into operation,(**a**) such of the provisions of the Naval Prize Act, 1864, as are specified in the Schedule to this Act (being enactments relating to the practice and procedure in prize courts) shall be repealed:

Provided that nothing in such repeal shall have the effect of extending section sixteen of that Act to ships of war taken as prize, and accordingly that section shall have effect as if the following words were inserted therein:—"Nothing in this section shall apply to ships of war taken as prize."

(2) Any cause or proceeding commenced in any prize court before such rules as aforesaid come into operation as respects that court may, as the court directs, be either—

(*a*) recommenced and proceeded with in accordance with the said rules; or

(*b*) continued in accordance with the said rules subject to such adaptations as the court may deem necessary to make them applicable to the case: or

(*c*) continued to the determination thereof in accordance with the procedure applicable to the case at the commencement of the cause or proceeding.

Short title and construction.

2. This Act may be cited as the Prize Courts (Procedure) Act, 1914, and shall be construed as one with the Naval Prize Act, 1864: and that Act and the Prize Courts Act, 1894, and this Act may be cited together as the Naval Prize Acts, 1864 to 1914.

Schedule.

Provisions of Naval Prize Act, 1864, repealed.

Sections 7 and 8, 18 to 29, 32, 33, and 36, and in Section 41, the words "either by warrant of arrest against the ship or goods, or by monition and attachment against the owner."

(**a**) Rules under an Order in Council of August 5th, 1914, which (in accordance with s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict. c. 66)) took effect provisionally, and is printed at p. 256 below, came into operation on that date. Those Rules are identical with those prescribed as Statutory Rules and Orders by Order in Council of September 17th, 1914, printed at p. 365 below.

CHAPTER 14.

An Act to authorise the issue of Currency Notes, and to make provision with respect to the Note Issue of Banks.**(a)**

[6th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

One pound and ten shilling currency notes.

1.—(1) The Treasury may, subject to the provisions of this Act, issue currency notes for one pound and for ten shillings, and those notes shall be current in the United Kingdom in the same manner and to the same extent and as fully as sovereigns and half-sovereigns are current and shall be legal tender in the United Kingdom for the payment of any amount.

(2) Currency notes under this Act shall be in such form and of such design and printed from such plate and on such paper and be authenticated in such manner as may be directed by the Treasury.

(3) The holder of a currency note shall be entitled to obtain on demand, during office hours at the Bank of England, payment for the note at its face value in gold coin which is for the time being legal tender in the United Kingdom.

(4) The Treasury may, subject to such conditions as to time, manner, and order of presentation as they think fit, call in any currency notes under this Act on paying for those notes at their face value in gold.**(b)**

(5) Currency notes under this Act shall be deemed to be bank notes within the meaning of the Forgery Act, 1913,**(c)** and any other enactment relating to offences in respect of bank notes which is for the time being in force in any part of the British Islands, and to be valuable securities within the meaning of the Larceny Act, 1861,**(d)** and any other law relating to stealing which is for the time being in force in any part of the British Islands, and to be current coin of the realm for the purpose of the Acts relating to truck and any other like enactment.

3 & 4 Geo. 5. c. 27.

24 & 25 Vict. c. 96.

(6) For the purpose of meeting immediate exigencies all postal orders issued either before or after the passing of this Act shall temporarily be current and legal tender in the United Kingdom in the same manner and to the same extent and as fully as current coins, and shall be legal tender in the United Kingdom for the payment of any amount.

The holder of any such postal order shall be entitled to obtain on demand, during office hours at the Bank of England, payment for the postal order at its face value in any coin which is for the time being legal tender in the United Kingdom for the amount of the note.

(a) This Act is amended by the Currency and Bank Notes (Amendment) Act, 1914 (4 & 5 Geo. 5, s. 72), printed at p. 29 below. *See also* the Arrangements made under the Act for placing Currency Notes at the disposal of the banks for meeting exceptional demands, printed under the heading "CURRENCY AND BANK NOTES," at p. 136 below.

(b) or on exchanging the notes so called in for other notes. *See* 4 & 5 Geo. 5, c. 72, s. 1, printed at p. 29 below.

(c) This Act does not extend to Scotland. *See* 3 & 4 Geo. 5, c. 27, s. 21.

(d) This Act, except where expressly provided, does not apply to Scotland.

8 Edw. 7. c. 48

Provisoes (*b*) and (*c*) to subsection (1) of section twenty-four of the Post Office Act, 1908, shall not apply to any such postal orders.

This subsection shall have effect only until His Majesty by proclamation(**a**) revokes the same, and any proclamation revoking this subsection may provide for the calling in or exchange of any postal orders affected thereby.

Issue of currency notes.

2. Currency notes may be issued(**b**) to such persons and in such manner as the Treasury direct, but the amount of any notes issued to any person shall, by virtue of this Act and without registration or further assurance, be a floating charge in priority to all other charges, whether under statute or otherwise, on the assets of that person.

Authority to issue bank notes beyond limit.

3. The governor and company of the Bank of England and any persons concerned in the management of any Scottish or Irish bank of issue may, so far as temporarily authorised by the Treasury and subject to any conditions attached to that authority, issue notes in excess of any limit fixed by law(**c**); and those persons are hereby indemnified, freed, and discharged from any liability, penal or civil, in respect of any issue of notes beyond the amount fixed by law which has been made by them since the first day of August nineteen hundred and fourteen in pursuance of any authority of the Treasury or of any letter from the Chancellor of the Exchequer, and any proceedings taken to enforce any such liability shall be void.

Power to make bank notes not otherwise legal tender legal tender in Scotland and Ireland.

4. Any bank notes issued by a bank of issue in Scotland or Ireland shall be legal tender for a payment of any amount in Scotland or Ireland respectively, and any such bank of issue shall not be under any obligation to pay its notes on demand except at the head office of the bank, and may pay its notes, if thought fit, in currency notes issued under this Act:

Provided that notes which are legal tender under this section shall not be legal tender for any payment by the head office of the bank by whom they are issued for the purpose of the payment of notes issued by that bank.

This section shall have effect only until His Majesty by proclamation(**d**) revokes the same, and any proclamation revoking this section may provide for the calling in or exchange of notes affected thereby.

Interpretation, short title, and extent.

5.—(1) In this Act, the expression "bank of issue" means any bank having power for the time being to issue bank notes.

(2) This Act may be cited as the Currency and Bank Notes Act, 1914.

(3) This Act shall apply to the Isle of Man as if it were part of the United Kingdom, but shall not apply to any other British possession.

(**a**) No Proclamation has (September 30th, 1914) been made under Section 1 (6).

(**b**) As to certificates covering issue of notes *see* 4 & 5 Geo. 5, c. 72, s. 2, printed at p. 29 below.

(**c**) As to such limit as regards Bank of England *see* Bank Charter Act, 1844, ss. 2–6, and ten successive Orders in Council, 1855 to 1903, authorising additional issue of notes, and printed in "Statutory Rules and Orders Revised" (1904), Vol. 1, "Bank of England," pp. 25–37.

(**d**) No Proclamation has (September 30th, 1914) been made under Section 4.

CHAPTER 25.

An Act to remove electoral disabilities which may arise in the case of members of the Reserve and Territorial Forces and in the case of Volunteers by reason of absence on the Naval or Military service of the Crown.

[7th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Absence of person in pursuance of naval or military duties not to disqualify as elector.

1.—(1) A person shall not be disqualified for being registered for voting, either as a parliamentary or as a local government elector, in respect of a qualification for which any residence or inhabitancy is required, by reason only that during the whole or any part of the qualifying period he has as a member of the naval reserve, or the army reserve, or the territorial force, or as a volunteer, been absent on actual naval or military service on behalf of the Crown, whether beyond the seas or not.

(2) A person so absent shall not be disqualified by reason of his wife or children having received poor relief during such absence.

(3) The claim to be registered as a lodger may be made and signed, in the case of a person so absent, by any other person on his behalf, and the form of the claim and declaration may in those cases be modified accordingly.

(4) In this Act the expression "volunteer" means any person who is entered or enlisted for temporary service only in connexion with any war as a member of His Majesty's naval or military forces.

Short title and duration.

2. This Act may be cited as the Electoral Disabilities (Naval and Military Service) Removal Act, 1914, and shall apply only to absence during the continuance of the present war in Europe.

CHAPTER 26.

An Act to enable Food, Forage, and Stores for His Majesty's Forces to be requisitioned in cases of emergency.

[7th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of section 115 of Army Act to food, forage, and stores.

1. The power of requisitioning carriages, horses, vessels, and aircraft in case of emergency conferred by the Army Act(**a**) shall

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(**a**) The Army Act (44 & 45 Vict. c. 58) has been repeatedly amended and has in accordance with s. 8 (2) of the Army Annual Act, 1885 (48 & 49 Vict. c. 8), been printed with the amendments made down to the passing of the Army (Annual) Act, 1914 (4 & 5 Geo. 5. c. 2), and such print has been put on sale.

extend so as to include a power of requisitioning food, forage, and stores of all descriptions, and, accordingly, at the end of sub-section (2) of section one hundred and fifteen of the Army Act(**a**) there shall be inserted the words "and also of food, forage, and stores of every description," and all the other provisions of that section and also the provisions of sections thirty-one, one hundred and sixteen, one hundred and seventeen, one hundred and nineteen, and one hundred and twenty-one of the Army Act(**a**) shall, so far as applicable, apply in relation to food, forage, and stores as they apply in relation to vessels.

Short title.

2. This Act may be cited as the Army (Supply of Food, Forage, and Stores) Act, 1914.

CHAPTER 27.

An Act to extend the powers of the Board of Trade during the continuance of the present hostilities to make Rules under the Patents and Designs Act, 1907, and the Trade Marks Act, 1905.

[7th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of power to make rules.
7 Edw. c. 29.
5 Edw. c. 15.

1(**b**).—(1) The power of the Board of Trade under section eighty-six of the Patents and Designs Act, 1907, and section sixty of the Trade Marks Act, 1905, to make rules and to do such things as they think expedient for the purposes therein mentioned shall include power to make rules and to do such things as they think expedient for avoiding or suspending in whole or in part any patent or licence granted to, and the registration of any trade mark the proprietor whereof is, a subject of any State at war with His Majesty, and any proceedings on any application made by any such person under either of the said Acts and for extending the time within which any act or thing may or is required to be done under those Acts.

(2) In relation to rules made under this Act the provisions of sub-section (3) of section sixty of the Trade Marks Act, 1905, shall not apply.

(**a**) The Army Act (44 & 45 Vict. c. 58) has been repeatedly amended and has in accordance with s. 8 (2) of the Army Annual Act, 1885 (48 & 49 Vict c. 8), been printed with the amendments made down to the passing of the Army (Annual) Act, 1914 (4 & 5 Geo. 5. c. 2), and such print has been put on sale.

(**b**) Subsection (1) of this section is amended, and a new subsection (4) added by the Patents, Designs, and Trade Marks Temporary Rules (Amendment) Act, 1914 (4 & 5 Geo. 5. c. 73), such amendment and addition taking effect from August 7th, 1914. Section 1 as so amended is reprinted in Appendix D. at p. 439 below.

The Rules made under section 1 are printed at pp. 226–236 below.

(3) If the rules made under this Act so provide the rules or any of them shall have effect as from the passing of this Act.

2. This Act may be cited as the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914. Short title

3. This Act and the rules made thereunder shall continue in force during the continuance of the present state of war in Europe, and for a period of six months thereafter and no longer. Duration.

CHAPTER 29.

An Act to confer on His Majesty in Council power to make Regulations during the present War for the Defence of the Realm.(**a**)

[8th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.(**b**) His Majesty in Council has power during the continuance of the present war to issue regulations(**c**) as to the powers and duties of the Admiralty and Army Council, and of the members of His Majesty's forces, and other persons acting in His behalf, for securing the public safety and the defence of the realm; and may, by such regulations, authorise the trial by courts martial and punishment of persons contravening any of the provisions of such regulations designed— Power to make regulations.

(*a*) to prevent persons communicating with the enemy or obtaining information for that purpose or any purpose calculated to jeopardise the success of the operations of any of His Majesty's forces or to assist the enemy; or

(*b*) to secure the safety of any means of communication, or of railways, docks or harbours;

in like manner as if such persons were subject to military law and had on active service committed an offence under section five of the Army Act.

2. This Act may be cited as the Defence of the Realm Act 1914. Short title.

(**a**) By Order in Council of September 9th, 1914, printed at p. 189 below, this Act was extended to the Isle of Man.

(**b**) Section 1 is amended by the Defence of the Realm (No. 2) Act, 1914 (4 & 5 Geo. 5. c. 63), printed at p. 22 below, and the section as so amended is reprinted in Appendix B. at the end of this Manual.

(**c**) The Regulations made under this power and the extended power of the amending Act are printed as made at pp. 146–155 below, and are also reprinted in consolidated form in Appendix B. at the end of this Manual.

CHAPTER 30.

An Act to provide for the grant of pensions and other allowances to certain persons if injured whilst employed in connexion with warlike operations, and to their dependants, and for purposes connected therewith.

[10th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provision of pensions and other allowances to civilians injured in connexion with warlike operations, &c.

1.—(1) His Majesty may by Order in Council frame a scheme as to the pension and grants, and other allowances in the nature thereof, to be paid to persons (not being officers or seamen of the Royal Navy, or officers or soldiers of any of His Majesty's land or marine forces), in respect of injuries suffered by them whilst employed afloat by or under the Admiralty or Army Council in connexion with warlike operations in which His Majesty is engaged, and in the case of their death to their widows and other dependants.(**a**)

(2) The Order shall specify the persons to whom the Order applies and the conditions under which it becomes applicable, and may include persons not in the direct employment of the Admiralty or Army Council, and persons employed on commissioned ships, notwithstanding that by reason of such employment they are subject to the Naval Discipline Act.

(3) A person to whom any such Order in Council applies shall not, nor in the case of his death shall his widow or other dependants or his personal representatives, in respect of any injury suffered by him whilst the Order in Council so applies to him, be entitled to any pensions or other benefits under any other Order in Council or any warrant or regulations relating to officers and men in the naval or military service of the Crown, or to any compensation under the Workmen's Compensation Act, 1906, or to any compensation or damages at common law or under the Employers' Liability Act, 1880, or any other statute, or to any gratuity or any superannuation or other allowance under the Superannuation Acts, 1834 to 1909,(**b**) or to any pension or allowance under the Greenwich Hospital Acts, 1865 to 1898,(**c**) except so far as the Order in Council otherwise provides.

6 Edw. 7. c. 58.

43 & 44 Vict. c. 42.

(**a**) *See* Order in Council of August 10th, 1914, approving scheme, printed at pp. 182–5 below, under the heading "Injuries in War Compensation."

(**b**) *i.e.*, The Superannuation Acts, 1834 (4 & 5 Will. 4. c. 24), 1859 (22 Vict. c. 26), 1860 (23 & 24 Vict. c. 89), 1866 (29 & 30 Vict. c. 68), 1876 (39 & 40 Vict. c. 53), 1881 (44 & 45 Vict. c. 43), 1884 (47 & 48 Vict. c. 57), 1887 (50 & 51 Vict. c. 67), 1892 (55 & 56 Vict. c. 40), and 1909 (9 Edw. 7. c. 10). *See* Short Titles Act, 1896 (59 & 60 Vict. c. 14), and 9 Edw. 7. c. 10, s. 8. These Acts are amended by the Superannuation Act, 1914 (4 & 5 Geo. 5. c. 86), which took effect September 18th, 1914.

(**c**) *i.e.*, The Greenwich Hospital Acts, 1865 (28 & 29 Vict. c. 89), 1869 (32 & 33 Vict. c. 44), 1872 (35 & 36 Vict. c. 67), 1883 (46 & 47 Vict. c. 32), 1885 (48 & 49 Vict. c. 42), and 1898 (61 & 62 Vict. c. 24), together with the Naval Knights of Windsor (Dissolution) Act, 1892 (55 & 56 Vict. c. 34). *See* Short Titles Act, 1896 (59 & 60 Vict. c. 14), and 61 & 62 Vict. c. 24, s. 5.

(4) All pensions, grants, and other allowances under this Act shall be paid out of moneys provided by Parliament.

(5) An Order in Council under this Act may provide that the Order shall have effect as from the third day of August nineteen hundred and fourteen,(**a**) and any such Order in Council may be revoked or varied by a subsequent Order.

Short title.

2. This Act may be cited as the Injuries in War (Compensation) Act, 1914.

CHAPTER 34.

An Act to authorise the grant out of Police Funds of certain Allowances and Gratuities in respect of Police Reservists who are called out upon Permanent Service.(**b**)

[10th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Family allowances for police reservists on active service.

1.—(1) Where a constable of a police force within the meaning of this Act belongs to the Naval Reserves or the Army Reserve, and has, in pursuance of any Royal Proclamation, been called out, in the case of a man belonging to the Naval Reserves, for service during war or any emergency, or, in the case of a man belonging to the Army Reserve, on permanent service, the police authority may, if they think fit, grant out of the police fund, to or for the benefit of his wife and children, or any of them, or in the case of an unmarried man to or for the benefit of any person whom he is legally liable to maintain and towards whose support he has regularly contributed, an allowance of such amount and subject to such conditions and restrictions as they think equitable:

Provided as follows:—

(*a*) Any such allowance shall be granted for a limited period not exceeding one year, and may be renewed for a further period, but shall not be continued after the police authority have received notice that the man has ceased to be employed on naval or military service:

(*b*) The aggregate amount of the weekly allowance granted in respect of a married man, together with the weekly amount of any separation or other allowance required to be paid out of naval or military funds in pursuance of any Royal Warrant, and the weekly amount

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(**a**) The scheme printed at p. 182 so provides.

(**b**) This Act is amended by the Police Constables (Naval and Military Service Act, 1914 (4 & 5 Geo. 5. c. 80), printed at p. 38 below.

A similar Act but confined to Army police reservists (The Police Reservists (Allowances) Act, 1900, 63 Vict. c. 9) was passed on the occasion of the War in South Africa, and was repealed by the Statute Law Revision Act, 1908 (8 Edw. 7. c. 49).

of any compulsory deductions from the man's pay as a seaman or soldier, shall not exceed the total weekly amount which he was receiving from police funds when called out:

(*c*) The allowance granted in respect of an unmarried man shall not exceed in the aggregate eight shillings a week.

(2)(**a**) If the man dies or is disabled whilst employed on naval or military service, the police authority shall have the same powers with respect to the grant of gratuities as if he had been in the police force at the time of his death or disablement.

(3) If he returns to the police force he shall return to a rank not less than the rank which he held at the time when he was called out, and at a rate of pay not less than the rate which he received before that date.

3 & 4 Vict. c. 88.

(4) Where a county is divided into districts for the purposes of the County Police Act, 1840, any allowances granted in accordance with this Act shall be deemed to be general expenditure within the meaning of that Act.

(5) In this Act the expressions "police authority," "police force," and "police fund" as respects the City of London mean the mayor, aldermen, and commons of the City of London in common council assembled, the city police force, and the fund out of which the expenses of the city police are defrayed, and elsewhere have the same meanings as in the Police Act, 1890.

53 & 54 Vict. c. 45.

Application to Scotland. 53 & 54 Vict. c. 67. 20 & 21 Vict. c. 72.

2. This Act shall apply to Scotland with the substitution of the Police (Scotland) Act, 1890, for the Police Act, 1890, and of the Police (Scotland) Act, 1857, for the County Police Act, 1840.

Short title.

3. This Act may be cited as the Police Reservists (Allowances) Act, 1914.

CHAPTER 51.

An Act to enable the Board of Trade during the present War to take possession of Foodstuffs unreasonably withheld.(**b**)

[*10th August 1914.*]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

Power for Board of Trade to take possession of foodstuffs unreasonably withheld.

1. If the Board of Trade are of opinion that any foodstuff is being unreasonably withheld from the market, they may, if

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(**a**) *See* the Police Constables (Naval and Military Service Act, 1914 (4 & 5 Geo. 5. c 80), s. 1 (printed at p. 38 below), which substitutes other enactment for this subsection.

(**b**) This Act was repealed by s. 4 (3) of the Articles of Commerce (Returns &c.) Act, 1914 (4 & 5 Geo. 5. c. 65), printed at p. 23 below.

so authorised by His Majesty's Proclamation(**a**) *(made generally or as respects any particular kind of foodstuff) and in manner provided by the Proclamation, take possession of any supplies of foodstuff to which the Proclamation relates, paying to the owners of the supplies such price as may in default of agreement be decided to be reasonable, having regard to all the circumstances of the case, by the arbitration of a judge of the High Court selected by the Lord Chief Justice of England.*

Short title and duration

2.—(1) This Act may be cited as the Unreasonable Withholding of Food Supplies Act, 1914.

(2) This Act shall have effect only while a state of war exists between His Majesty and any foreign power.

CHAPTER 52.

An Act to give the Board of Agriculture and Fisheries in Agricultural districts and the Local Government Board elsewhere powers with respect to Housing and to make similar provision for Scotland.(**b**) [10th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Powers as to acquisition of land and buildings for housing purposes.

1.—(1) The Board of Agriculture and Fisheries in agricultural districts and the Local Government Board elsewhere shall have power during the period of one year from the passing of this Act to acquire, with the consent of the Treasury and with the concurrence of the Development Commissioners, land and buildings for housing purposes, and, with the consent of the Treasury, shall have power to dispose of any land or buildings so acquired.

(2) The Board of Agriculture and Fisheries and the Local Government Board respectively shall have power to do all other things which may appear to them necessary or desirable for housing purposes in connection with any land or buildings so acquired, and to make any arrangements for housing purposes with any local authority or authorised society within the meaning of this Act:

Provided that neither the Board of Agriculture and Fisheries nor the Local Government Board shall, in the exercise of their powers under this Act, in any case themselves build any dwellings unless they are satisfied after holding a public local inquiry that in that case there is an insufficiency of dwelling accommodation for the working classes, or that the existing accommodation is unsuitable and that dwelling accommodation cannot be otherwise satisfactorily provided.

(**a**) No Proclamation was ever made under this power.

(**b**) This Act as extended by the Housing (No. 2) Act, 1914 (4 & 5 Geo. 5. c. 71) (printed at p. 29 below), now makes similar provision for Ireland.

Payment of expenses incurred under the Act.

2.—(1) The Treasury shall, as and when they think fit, issue out of the Consolidated Fund or the growing produce thereof such sums as may be required for the purpose of meeting any expenditure which is, in the opinion of the Treasury, of a capital nature, and which is incurred with the consent or approval of the Treasury, not exceeding in the aggregate four million pounds, and any expenses incurred for those purposes by the Board of Agriculture and Fisheries or the Local Government Board not being, in the opinion of the Treasury, of the nature of capital expenditure, shall be defrayed out of moneys provided by Parliament, and any receipts arising in connection therewith shall be paid into the Exchequer.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding thirty years; and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament, and if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

4 Edw. 7. c. 21.

(4) The Treasury may also, if they think fit, for the same purpose, borrow money by means of the issue of Exchequer Bonds; and the Capital Expenditure (Money) Act, 1904, shall have effect as if this Act had been in force at the time of the passing of that Act.

29 & 30 Vict. c. 39.

(5) The Treasury shall, within six months after the end of every financial year, cause to be made out and laid before the House of Commons accounts showing the amount of any expenditure of a capital nature incurred by the Board of Agriculture and Fisheries and the Local Government Board respectively, under this Act, and of the money borrowed and the securities created under this Act; and any such accounts of expenditure shall be audited and reported upon by the Comptroller and Auditor-General as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866.

Interpretation, application, and short title.

3.—(1) In this Act, unless the context otherwise requires,—

The expression "housing purposes" means the provision, maintenance, improvement, and management of dwellings and gardens and other works or buildings for or for the convenience of persons belonging to the working classes; and

53 & 54 Vict. c. 70.

The expression "local authority" means the local authority for the purposes of Part III. of the Housing of the Working Classes Act, 1890;(**a**) and

The expression "authorised society" means any society, company, or body of persons approved by the Treasury,

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(**a**) *See* ss. 92, 102 (1) and Sch. 3 of that Act. But as to London, *see* s. 5 (2) and Sch. 2, part 2 of the London Government Act, 1899 (62 & 63 Vict. c. 13), and as to England and Scotland, ss. 1, 53 (5) of the Housing and Town Planning Act, 1909 (9 Edw. 7. c. 44).

whose objects include the erection, improvement, or management of dwellings for working classes, which does not trade for profit, or whose constitution forbids the payment of any interest or dividend at a rate exceeding five per cent. per annum.

(2) In the application of this Act to Scotland the Local Government Board for Scotland shall be substituted for the Local Government Board, and the Board of Agriculture for Scotland shall be substituted for the Board of Agriculture and Fisheries.

(3) This Act shall not apply to Ireland.(**a**)

(4) This Act may be cited as the Housing (No. 2) Act, 1914.

CHAPTER 53.

An Act to amend and extend the law relating to the Appointment of Special Constables in Scotland.

[10th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Special Constables (Scotland) Act, 1914, and shall apply to Scotland only.

Short title and citation.

2. Sections ninety-six, ninety-seven and ninety-eight of the Burgh Police (Scotland) Act, 1892 (herein-after referred to as the Act of 1892), relating to the appointment of special constables in burghs in Scotland shall have effect throughout counties in Scotland (including, if the Secretary for Scotland so appoints, any burgh policed by the county) with the substitution of the standing joint committee for the magistrates, of the Police (Scotland) Act, 1857, for the Act of 1892, and of the county council and the county police rate for the town council and the burgh general assessment respectively: Provided that the words "residing within the burgh" in section ninety-six aforesaid are hereby repealed,(**b**) and provided further that the Secretary for Scotland may by order(**c**) under his hand apply to special constables appointed in Scotland any statutory provision relating to special constables, with any necessary adaptations.

Appointment of special constables in counties.
55 & 56 Vict. c. 55.
20 & 21 Vict. c. 72.

(**a**) Sub-section (3) of section 3 was repealed by the Housing (No. 2) (Amendment) Act, 1914 (4 & 5 Geo. 5, c. 71) printed at p. 29 below.

(**b**) Sections 96 to 98 of the Burgh Police (Scotland) Act, 1892, are printed in Appendix E at p. 440 below, as amended and extended to counties by this Act.

(**c**) *See* Order of the Secretary for Scotland, dated October 5th, 1914 (printed at p. 374 above) adapting the provisions of this Act and of the Burgh Police (Scotland) Act, 1892, as regards Orkney and Shetland.

CHAPTER 60.

An Act to provide for raising Money for the present War.(**a**)
[28th August 1914.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies granted to Your Majesty in this session of Parliament, have resolved that money be raised in manner provided by this Act; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to raise money for the purposes of war.

1.—(1) Any money required for raising the supply granted to His Majesty for the service of the year ending the thirty-first day of March nineteen hundred and fifteen, may be raised in such manner as the Treasury think fit, and for that purpose they may create and issue any securities by means of which any public loan has been raised or may be raised or such other securities bearing such rate of interest and subject to such conditions as to repayment, redemption, or otherwise as they think fit.

(2) The principal and interest of any sums so raised (including any annuities created for the purpose) and any sums required for defraying any expenses incurred in connexion with the raising of those sums shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof.

(3) The powers given to the Treasury under this Act shall be in addition to, and not in derogation of, any other powers of the Treasury for the time being to borrow.

Short title

2. This Act may be cited as the War Loan Act, 1914.

CHAPTER 61.

An Act to enable His Majesty, by Order in Council, to make Regulations with respect to Special Constables appointed during the present War. [28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to make regulations with respect to special constables.

1.—(1) His Majesty may, by Order in Council, make regulations with respect to the appointment and position of special constables appointed during the present war under the Special

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(**a**) The War Loan Act, 1900 (63 Vict. c. 2), passed on the occasion of the war in South Africa was of a far more restricted character limiting both the amount to be raised and the modes of raising.

Constables Act, 1831, or under section one hundred and ninety-six of the Municipal Corporations Act, 1882, and may, by those regulations,(**a**) provide—

1 & 2 Will. 4. c. 41.
45 & 46 Vict c. 50.

(*a*) that the power to authorise the nomination and appointment of special constables under the Special Constables Act, 1831, may be exercised although a tumult, riot, or felony has not taken place or is not immediately apprehended; and

(*b*) that any special constables to which the regulations apply shall, in the execution of their duty, act under such direction as may be specified in the regulations; and

(*c*) for the application to special constables to which the regulations apply of any of the provisions of the Police Acts, 1839 to 1910 (including those relating to the grant of allowances or gratuities to constables injured, and to the dependents of constables killed, in the execution of their duty), subject to such modifications as may be specified in the regulations; and

(*d*) for giving validity and effect to the appointment of special constables, or any other action taken with respect to special constables, since the commencement of the present war, but before the regulations are made; and

(*e*) for such supplemental and ancillary matters as may be necessary or expedient for the purpose of giving full effect to the regulations.

(2) His Majesty may, by Order in Council, revoke, alter, or amend any Order in Council made under this section as occasion requires.

(3) In the application of this Act to Scotland(**b**) the Burgh Police (Scotland) Act, 1892, so far as relating to special constables, the corresponding provisions of any local Act, and the Special Constables (Scotland) Act, 1914, shall be substituted for the Special Constables Act, 1831, and section one hundred and ninety-six of the Municipal Corporations Act, 1882; and the Police (Scotland) Act, 1857, the Police (Scotland) Act, 1890, the Burgh Police (Scotland) Act, 1892, and any Acts amending the same shall be substituted for the Police Acts, 1839 to 1910.

55 & 56 Vict. c. 55.
4 & 5 Geo. 5. c. 53.
20 & 21 Vict. c. 72.
53 & 54 Vict. c. 67.

(4) In the application of this Act to Ireland(**c**) the Special Constables (Ireland) Act, 1832, shall be substituted for the Special Constables Act, 1831; section fourteen of the Dublin Justices Act, 1824, shall be substituted for section one hundred and ninety-six of the Municipal Corporations Act, 1882; and the Acts relating to the Royal Irish Constabulary and Dublin Metropolitan Police, or either of those forces, shall be substituted for the Police Acts, 1839 to 1910.

2 & 3 Will. 4. c. 108.
5 Geo. 4. c. 102.

2. This Act may be cited as the Special Constables Act, 1914. Short title.

(**a**) *See* "The Special Constables Order, 1914," printed at p. 370 below.

(**b**) As to Scotland *see* "The Special Constables (Scotland) Order, 1914," printed at p. 373 below.

(**c**) No Order in Council has (September 30th, 1914) been made by His Majesty under the Act in its application to Ireland.

CHAPTER 62.

An Act to enable His Majesty, by Order in Council, to extend to the Isle of Man Acts passed in connection with the present War. [28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

Power to extend certain Acts to the Isle of Man.

1.—(1) His Majesty may, by Order in Council, extend to the Isle of Man any Act which, in the opinion of His Majesty, was passed for the purpose of meeting any emergency created by the present war, and does not extend to the Isle of Man; and any Act so extended shall have effect accordingly, subject to such adaptations as may be made by the order for the purpose of making the Act applicable to the Isle of Man.(**a**)

(2) Any Act so extended by Order in Council shall, if the order so provides, be deemed to have taken effect in the Isle of Man at the same time as it took effect in the United Kingdom.

Short title.

2. This Act may be cited as the Isle of Man (War Legislation) Act. 1914.

CHAPTER 63.

An Act to amend the Defence of the Realm Act, 1914.(**b**) [28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of power to make regulations.(**d**)

4 & 5 Geo. 5. c. 29.

1. The Defence of the Realm Act, 1914,(**c**) shall have effect as if—

(*a*) at the end of paragraph (*a*) of section one thereof the following words were inserted, "or to prevent the "spread of reports likely to cause disaffection or "alarm";

(*b*) at the end of paragraph (*b*) of section one thereof there were added the following words, "or of any area "which may be proclaimed by the Admiralty or Army "Council to be an area which it is necessary to safe"guard in the interests of the training or concentra"tion of any of His Majesty's forces";

(**a**) Under this power His Majesty has (September 30th, 1914) made three Orders in Council, printed respectively at pp. 186, 189 and 190 below, under the heading "ISLE OF MAN," extending to the Isle the Aliens Restriction Act, 1914, the Defence of the Realm Acts, 1914 (and the Regulations thereunder), and the Postponement of Payments Act, 1914.

(**b**) By Order in Council of September 9th, 1914, printed at p. 189 below, this Act was extended to the Isle of Man.

(**c**) This Act is printed at p. 13 above, and section 1 thereof as amended by the present Act is reprinted in Appendix B at the end of this Manual.

(**d**) The Regulations made under the powers of the first Act, and under such powers as hereby extended, are printed as made at pp. 146–155 below under the heading "DEFENCE OF THE REALM," and are also reprinted in consolidated form in Appendix B at the end of this Manual. The Regulations, like the Acts, apply to the Isle of Man.

(*c*) at the end of section one there were inserted the following words, "and may by such regulations also "provide for the suspension of any restrictions on "the acquisition or user of land, or the exercise of "the power of making byelaws, or any other power "under the Defence Acts, 1842 to 1875, or the "Military Lands Acts, 1891 to 1903."

2. This Act may be cited as the Defence of the Realm (No. 2) Act, 1914. Short title.

CHAPTER 64.

An Act to extend and amend section eight of the Customs and Inland Revenue Act, 1879. [28th August 1914.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of 42 & 43 Vict. c. 21. s. 8.

1. Section eight of the Customs and Inland Revenue Act, 1879, (which enables the exportation of certain articles to be prohibited) shall have effect, whilst a state of war in which His Majesty is engaged exists, as if, in addition to the articles therein mentioned, there were included all other articles of every description.

Power to vary proclamation and Order in Council.

2. Any proclamation or Order in Council made under the said section as so amended may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.(**a**)

3. This Act may be cited as the Customs (Exportation Prohibition) Act, 1914. Short title.

CHAPTER 65.

An Act to give Powers in connection with the present War to obtain information as to Stocks of Articles of Commerce, and for enabling Possession to be taken of any such Articles unreasonably withheld. [28th August 1914.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to require returns, &c.

1.—(1) For the purpose of obtaining information as to the quantity in the United Kingdom or in transit to the United

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(**a**) The three Proclamations made respectively August 3rd, 5th, and 10th under s 8 of the 1879 Act and another Proclamation of August 5th made under section 1 of the Exportation of Arms Act, 1900 (63 & 64 Vict. c. 44) were modified by a Proclamation of August 20th, and these Proclamations were varied by Orders of Council under the 1914 Act.

All five Proclamations, and the five Orders of Council which have (September 30th, 1914) been made, are printed at pp. 160–176 below under the heading "Exportation of Warlike Stores, Provisions, and Victuals." A sixth Order of Council of October 6th, made while this Manual was in the press, is printed in the Supplement. To simplify reference the resulting Lists of Prohibitions and Restrictions on Exportation, revised to October 6th, are reprinted in Appendix A at the end of this Manual.

Kingdom of any article of commerce, the Board of Trade may, by notice served by registered post or otherwise on any person, require him to make a return to the Board, within such time as may be specified in the notice, giving such particulars of any article of commerce of which he is the owner as may be required by the notice.

(2) For the purpose of testing the accuracy of any return made to the Board under this section, or of obtaining information in case of a failure to make a return, any officer of the Board authorised in that behalf by the Board may enter any premises on which he has reason to believe that there are kept or stored any articles which have been or were required to be included in the return, and of which the person making or required to make the return is or was the owner, and may carry out such inspections of, and examinations on, the premises as the officer may consider necessary for testing the accuracy of the return or for obtaining such information.

(3) If any person—

(*a*) wilfully refuses or without lawful excuse neglects to make a return under this Act to the best of his knowledge and belief; or

(*b*) wilfully makes or causes to be made any false return; or

(*c*) obstructs or impedes an officer of the Board in the exercise of any of his powers under this Act; or

(*d*) refuses to answer or wilfully gives a false answer to any question necessary for obtaining the information required to be furnished under this Act;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or, if the court is of opinion that the offence was committed wilfully, to imprisonment with or without hard labour for a period not exceeding three months.

(4) No individual return or part of a return made under this Act, and no information obtained under this Act, shall be published or disclosed except for the purposes of a prosecution under this Act.

Power to take possession of articles unreasonably withheld.

2.—(1) If from any such return as aforesaid, or from any other source of information, the Board of Trade are of opinion that any article of commerce is being unreasonably withheld from the market, they may, if so authorised by His Majesty's proclamation (**a**) (made generally or as respects any particular kind of article of commerce) and in manner provided by the proclamation, take possession of any supplies of the article paying the owners of the supplies such price as may, in default of agreement, be decided to be reasonable, having regard to all the circumstances of the case, by the arbitration of a judge of the High Court selected by the Lord Chief Justice of England in England; by a judge of the Court of Session selected by the Lord President of the Court of Session in Scotland; and by a judge of the High Court of Ireland selected by the Lord Chief Justice of Ireland in Ireland.

(**a**) See Proclamation of September 17th, 1914, printed at p. 96 below.

(2) Nothing in this Act shall be construed as preventing the Board of Trade exercising their powers under this section without having first obtained, or endeavoured to obtain, returns under this Act.

Interdepartmental arrangements.

3. The Board of Trade may make arrangements with any other Government Department for the exercise by that Department on behalf of the Board of Trade of the powers of the Board under this Act with respect to any particular article of commerce, and in such case the department and the officers thereof shall, as respects such article, have and exercise the same powers as are by this Act conferred on the Board of Trade and the officers of that Board.

Short title, construction, repeal, and duration.

4.—(1) This Act may be cited as the Articles of Commerce (Returns, &c.) Act, 1914.

(2) For the purposes of this Act, "owner," in relation to any article of commerce, includes any person who, as factor or otherwise, has power to sell the article.

4 & 5 Geo. 5. c. 51.

(3) The Unreasonable Withholding of Foodstuffs Act, 1914,(**a**) is hereby repealed.

(4) This Act shall have effect only while a state of war exists between His Majesty and any foreign power, and for a period of six months thereafter.

CHAPTER 66.

An Act to enable Certificated Teachers to reckon Service in connection with the present War as recorded Service for the purpose of the Acts relating to Elementary School Teachers' Superannuation. [28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Service in the war to be equivalent for superannuation purposes to service as a teacher.

1.—(1) Service by a certificated teacher in any of the naval or military forces of the Crown in the present war, or any service by such a teacher in connection with naval or military operations in that war which the Board of Education consider may properly be treated in the same manner as actual naval or military service, may be recorded for the purposes of the Elementary School Teachers (Superannuation) Acts, 1898 to 1912,(**b**) in the same manner as, and as equivalent to, service in the capacity of a certificated teacher in a public elementary school.

(**a**) This Act is printed at p. 16 above.

(**b**) *i.e.*, the Elementary School Teachers (Superannuation) Act, 1898 (61 & 62 Vict. c. 57); the Elementary School Teachers Superannuation (Isle of Man) Act, 1900 (63 & 64 Vict. c. 38): the Elementary School Teachers Superannuation (Jersey) Act, 1900 (63 & 64 Vict. c. 40); and the Elementary School Teachers Superannuation Act, 1912 (2 & 3 Geo. 5. c 12); see s. 4 of last named Act.

(2) The Board of Education may reckon as a period of service for the purposes of this Act any period during which a teacher, though not actually serving, is, as a result of his service, prevented or hindered from procuring work as a teacher owing to injury, illness, or any other cause.

(3) Contributions in respect of any such service to the Deferred Annuity Fund may, notwithstanding anything in the Elementary School Teachers (Superannuation) Acts, 1898 to 1912, or any rules made thereunder,(**a**) be received by the Board of Education at any time within six months after the end of the present war, or such later date as the Board of Education may by order determine.

Application to the Isle of Man and Jersey. 2 & 3 Geo. 5. c. 12.

2. Section three of the Elementary School Teachers (Superannuation) Act, 1912, relating to the Isle of Man and the Island of Jersey (except the proviso thereto), shall, with the necessary modifications, apply to this Act as it applies to that Act.

Short title.

3. This Act may be cited as the Elementary School Teachers (War Service Superannuation) Act, 1914.

CHAPTER 67.

An Act to authorise an amendment of the Superannuation Scheme for Teachers in Scotland for the purpose of enabling service in connection with the present War to be reckoned as recorded service under the Scheme. [28th August 1914.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

Service by a teacher in the war to be recorded as service for superannuation. 8 Edw. 7. c. 63.

1.—(1) Service for the purposes of the teacher's superannuation scheme made and issued under the Education (Scotland) Act, 1908 (herein-after referred to as the scheme),(**b**) shall include service in any of the naval or military forces of the Crown in the

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(**a**) The following is a list of the Rules which have (September 30th, 1914) been made under those Acts:—

- The Elementary School Teachers Superannuation Rules, 1899 (1899, No. 174).
- The Elementary School Teachers Superannuation (Isle of Man) Rules, 1901 (1901, No. 421), applying the 1899 Rules to the Isle of Man.
- The Elementary School Teachers (Superannuation) (Jersey) Rules, 1902 (1902, No. 889), applying the 1899 Rules to Jersey.
- The Elementary School Teachers Superannuation Rule, 1904.
- The Elementary School Teachers Superannuation Rule, 1905 (1905, No. 645).
- The Elementary School Teachers Superannuation Rules, 1907 (1907, No. 485).
- The Elementary School Teachers Superannuation Rules (1909, No. 842).
- The Elementary School Teachers Superannuation Rule, 1911 (1911, No. 596).

Note:—All these Rules are printed in the "Elementary School Teachers Superannuation Pamphlet"—an official publication.

(**b**) This scheme (called "The National Scheme") was approved by Order in Council of May 14th, 1912 (1912, No. 534) and was amended by Order in Council of August 12th, 1913 (1913, No. 889).

present war or any service in connection with naval or military operations in that war which the Scotch Education Department (herein-after referred to as the Department) consider may properly be treated in the same manner as actual naval or military service.

(2) For the purposes of the scheme the Department may further reckon as service any period during which a teacher, though not actually serving as aforesaid, is, as a result of such service, prevented or hindered from doing or procuring work owing to injury, illness, or any other cause.

(3) For the purposes of the scheme the Department may record such service as aforesaid.

(4) For the purposes of the scheme, as regards any period of service as aforesaid, salary shall mean such sum as the Department may determine to be the equivalent of the salary in respect of which deductions from grants payable to managers would have been made in terms of the scheme had the teacher continued his ordinary employment as teacher.

Extent of Act.

2. This Act shall extend to Scotland only.

Short title and citation.

3. This Act may be cited as the Education (Scotland) (War Service Superannuation) Act, 1914; and this Act and the Education (Scotland) Acts, 1872 to 1913, and any other Act of this session relating to education in Scotland,(**a**) may be cited as the Education (Scotland) Acts, 1872 to 1914.

CHAPTER 69.

An Act to amend the provisions of the Acts relating to the Police in Scotland during the continuance of the present War with respect to age at date of appointment to a police force. [28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Age of persons appointed to police forces.

53 & 54 Vict. c. 67.

1. Notwithstanding anything contained in the Police (Scotland) Act, 1890,(**b**) or any other Act, the limit of age of persons transferred or appointed to any police force in Scotland during the continuance of the present war shall be such as may from time to time be prescribed or approved by the Secretary for Scotland.(**c**)

Short title and extent.

2. This Act may be cited as the Police (Scotland) (Limit of Age) Act, 1914, and shall apply to Scotland only.

(**a**) *i.e.*, The Education (Scotland) (Provision of Meals) Act, 1914 (4 & 5 Geo. 5, c. 68), which not being an "Emergency Statute" is not printed in this Manual.

(**b**) *See* section 25 of that Act which imposes a limit of age.

(**c**) *See* Order by the Secretary for Scotland printed at p. 237 below under the heading "POLICE (LIMIT OF AGE) SCOTLAND."

CHAPTER 70.

An Act to extend to the Naval Forces the provisions of the Army Act relating to the Billeting, and Impressment of Carriages, &c. in cases of emergency. [28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power in cases of emergency to billet naval officers and men and to impress carriages, &c. for naval purposes.

1.—(1) Where a proclamation has been issued by His Majesty calling out all or any of the men of the naval reserves in case of war or emergency,(**a**) the Admiralty may, by order distinctly stating that a case of emergency exists, authorise any commander-in-chief or flag officer, whose flag is flying at any naval port or station in the United Kingdom, to issue a billeting requisition or a requisition of emergency.

(2) Where—

(*a*) an order authorising the issue of a billeting requisition has been so made, the provisions of section 108A of the Army Act (which relates to the billeting of officers and soldiers of His Majesty's military forces and their horses in cases of emergency), and the other provisions of the Army Act relating to billeting thereby applied,(**b**) shall extend to the billeting of officers and men of His Majesty's naval forces borne on the books of any of His Majesty's ships in commission when employed on detached service in case of war or emergency; and

(*b*) an order authorising the issue of a requisition of emergency has been so made, the provisions of section one hundred and fifteen of the Army Act (which relates to the impressment of carriages and other things in cases of emergency), and the other provisions of the Army Act(**b**) relating to the impressment of carriages and other things thereby applied, shall extend to the impressment of carriages, animals, vessels, aircraft, food, forage, and stores required for the purposes of such naval forces as aforesaid;

subject to this modification, that the punishment of an offence under section thirty or section thirty-one of the Army Act as so applied shall be dismissal from His Majesty's service with disgrace, or such other punishment inferior in degree as is mentioned in section fifty-two of the Naval Discipline Act, and to such other modifications and exceptions necessary to adapt the said provisions to the naval forces as the Admiralty may by regulations prescribe.(**c**)

Short title.

2. This Act may be cited as the Naval Billeting, &c. Act, 1914.

(**a**) *See* Proclamation of August 3rd calling out the men of the Naval Reserves, printed at pp. 206, 207 below, under the heading "Navy and Naval Reserves."

(**b**) The Army Act (44 & 45 Vict. c. 58) has been repeatedly amended and has in accordance with s. 8 (2) of the Army Annual Act, 1885 (48 & 49 Vict. c. 8), been printed with the amendments made down to the passing of the Army (Annual) Act, 1914 (4 & 5 Geo. 5. c. 2), and such print has been put on sale.

(**c**) *See* the Modifications effected in the Army Act as applied to Naval Billeting under this power, printed at pp. 212–220 below, and the Modifications effected in the Army Act as applied to Naval Requisitions of Emergency, printed at pp. 220–226 below.

CHAPTER 71.

An Act to extend the Housing (No. 2) Act, 1914, to Ireland.
[28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of Housing (No. 2) Act, 1914, to Ireland.

1.—(1) The Housing (No. 2) Act, 1914,(a) shall extend to Ireland subject to the following modifications, namely, any reference to the Board of Agriculture and Fisheries or to the Local Government Board shall be construed as a reference to the Local Government Board for Ireland.

4 & 5 Geo. 5. c. 52.

(2) Subsection (3) of section three of the Housing (No. 2) Act, 1914,(a) is hereby repealed.

Short title.

2. This Act may be cited as the Housing (No. 2) (Amendment) Act, 1914.

CHAPTER 72.

An Act to amend the Currency and Bank Notes Act, 1914.
[28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to call in notes for the purpose of exchange for other notes.

4 & 5 Geo. 5. c. 14.

1. The power of the Treasury to call in currency notes under subsection (4) of section one of the Currency and Bank Notes Act, 1914,(b) shall be extended so as to include a power to call in currency notes, on exchanging the notes so called in, for other notes of the same face value issued under that Act.

Certificates covering issue of notes.

2. The Treasury may, if they think fit, instead of issuing any notes to any person, give to that person a certificate entitling him to the issue, on demand from the Treasury, of the notes mentioned in the certificate; and the notes covered by the certificate shall, for the purposes of section two of the Currency and Bank Notes Act, 1914, be deemed to be notes issued to that person.

Short title.

3. This Act may be cited as the Currency and Bank Notes (Amendment) Act, 1914.

(a) This Act is printed at p. 17 above.
(b) This Act is printed at p. 9 above.

CHAPTER 73.

An Act to amend the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914.(**a**)

[28th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of powers to make temporary rules. 4 & 5 Geo. 5. c. 27.

1. The Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914,(**a**) shall have effect, and shall be deemed always to have had effect, subject to the following amendments, that is to say:—

(*a*) In section one, for the words "any patent or licence "granted to, and the registration of any trade mark "the proprietor whereof is, a subject of any State at "war with His Majesty, and any proceedings on any "application made by any such person under either "of the said Acts," there shall be substituted the following words: "any patent or licence the person "entitled to the benefit of which is the subject of "any State at war with His Majesty; for avoiding "or suspending the registration, and all or any rights "conferred by the registration, of any design or trade "mark the proprietor whereof is a subject as afore-"said; for avoiding or suspending any application "made by any such person under either of the said "Acts; for enabling the Board to grant, in favour of "persons other than such persons as aforesaid, on "such terms and conditions, and either for the whole "term of the patent or registration or for such less "period, as the Board may think fit, licences to "make, use, exercise, or vend, patented inventions "and registered designs so liable to avoidance or "suspension as aforesaid":

(*b*) At the end of the same section the following subsection shall be added:—

"(4) This Act shall apply to any person resident and carrying on business in the territory of a State at war with His Majesty as if he was a subject of that State; and the expression 'subject of any State at war with His Majesty' shall, with reference to a company, include any company the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that

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(**a**) Section 1 of this Act (4 & 5 Geo. 5. c. 27) as thus retrospectively amended by 4 & 5 Geo. 5. (c. 73) is reprinted in Appendix D at p. 439 below.

the company may be registered within His Majesty's dominions; and, where a patent has been granted to any person in respect of an invention declared in the application or any specification to have been communicated to him by some other person, that other person shall, for the purposes of this Act, be deemed to be the person entitled to the benefit of the patent unless the contrary is proved."

Short title.

2. This Act may be cited as the Patents, Designs, and Trade Marks Temporary Rules (Amendment) Act, 1914; and the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914, and this Act may be cited as the Patents, Designs, and Trade Marks (Temporary Rules) Acts, 1914.

CHAPTER 75.

An Act to authorise the regulation and restriction of the slaughter of animals used for food.

[31st August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to restrict slaughter.

1. The Board of Agriculture and Fisheries may, for the purpose of maintaining a sufficient breeding stock, by Order regulate and restrict the slaughter in England and Wales, either generally or in any particular area, of animals used for human food, and may revoke, extend, or vary any Order so made, but any Order shall cease to operate at the expiration of one year from the passing of this Act except in relation to proceedings for any offence committed before such expiration.(**a**)

Application to Scotland and Ireland.

2. This Act shall apply to Scotland and Ireland with the substitution for the Board of Agriculture and Fisheries of the Board of Agriculture for Scotland and the Department of Agriculture and Technical Instruction for Ireland respectively.

Offences

3. If any person acts in contravention of, or fails to comply with, any provision of an Order made under this Act he shall be liable upon summary conviction to a fine not exceeding twenty pounds; or, if the offence is committed with respect to more than four animals, to a fine not exceeding five pounds for each animal.

Short title.

4. This Act may be cited as the Slaughter of Animals Act, 1914.

(**a**) The Board of Agriculture and Fisheries have (September 30, 1914), made no Order under this Act.

CHAPTER 76.

An Act to extend and vary as respects the present War the relief from Death Duties given under section fourteen of the Finance Act, 1900. [31st August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of remission of death duties in case of persons killed in the present war. 63 & 64 Vict. c. 7.

1.—(1) Section fourteen of the Finance Act, 1900 (which relates to the remission of death duties in case of persons killed in war), shall have effect as respects the present war as if it applied to property passing to lineal ancestors as well as to property passing to the widow or lineal descendants, and as if the amount of the duty to be remitted or repaid under that section were, instead of the amount therein mentioned, the following amounts:—

(*a*) Where the value for the purpose of estate duty of the property passing to the widow, lineal descendants, or lineal ancestors does not exceed five thousand pounds, the whole of the death duties leviable in respect of that property; and

(*b*) Where the said value exceeds five thousand pounds—

(i) in respect of the first five thousand pounds, the whole of the death duties; and

(ii) so much of the duties leviable in respect of the remainder as exceeds the sum which, if accumulated at compound interest at the rate of three per centum per annum from the date of death with half-yearly rests would, at the expiration of the period of the normal expectation of life of a person of the age of the deceased at the time of death (calculated in accordance with the Tables of Mortality of Government Life Annuitants, 1912), amount to the whole of the duties so leviable.

(2) The benefits of the relief given by this section as respects the first five thousand pounds shall be apportioned rateably among the several persons who would otherwise bear the duties remitted or repaid according to the amounts which they would so bear and without regard to their respective rights of priority.

4 & 5 Geo. 5. c. 10.

(3) Where the relief in respect of estate duty afforded to the widow, lineal descendants, or lineal ancestors by section fifteen of the Finance Act, 1914, would be greater than that afforded to them in respect of estate duty by this section, the relief in respect of estate duty shall be that under the said section fifteen and not that under this section, but in other cases the relief afforded by the said section fifteen shall not apply to any estate duty to which this section applies.

2.—(1) Where the Commissioners of Inland Revenue are satisfied that estate duty has become payable on any property passing on the death of any person to which section one of this Act applies, and that subsequently estate duty has again become payable on the same property or any part thereof passing on the death of some other person to which section one of this Act applies, the whole of the estate duty payable on such subsequent death in respect of the property so passing shall be remitted, or, in case the duty has been paid, repaid, and the property shall not be aggregated with any other property passing on such subsequent death for the purpose of determining the rate of estate duty.

Remission of estate duty in respect of property passing more than once owing to deaths caused by the war.

(2) This section shall apply whether or not on any such death any property passes to the widow or lineal descendants or lineal ancestors of the deceased.

3. This Act may be cited as the Death Duties (Killed in War) Act, 1914.

Short title.

CHAPTER 77.

An Act to enable orders to be made in connection with the present war for restricting the sale or consumption of intoxicating liquor. [31st August 1914]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The licensing justices for any licensing district may, if they think fit, upon the recommendation of the chief officer of police that it is desirable for the maintenance of order or the suppression of drunkenness in any area, by order direct that the sale or consumption of intoxicating liquor on the premises of any persons holding any retailers' licence in the area, and the supply or consumption of intoxicating liquor in any registered club in the area, shall be suspended while the order is in operation, during such hours and subject to such conditions or exceptions (if any) as may be specified in the order:

Restriction of the sale or consumption of intoxicating liquor.

Provided that, if any such order suspends the sale, supply, or consumption of intoxicating liquor at an hour earlier than nine at night, the order shall not have effect until approved by the Secretary of State.

(2) If any person acts in contravention of, or fails to comply with, any order under this section he shall be liable on summary conviction in respect of each offence to a fine not exceeding fifty pounds. If any person feels aggrieved by a conviction under this section he may appeal therefrom to quarter sessions in accordance with the Summary Jurisdiction Acts.

(3) The licensing justices shall have power to make an order under this section at their general annual licensing meeting or at any special sessions held by them for the purpose of their duties under the Licensing (Consolidation) Act, 1910, or at any meeting specially called for the purpose under this Act.

10 Edw. 7. & 1 Geo. 5. c. 24.

The clerk to the licensing justices shall specially call such a meeting if an application in writing is made to him for the purpose either by any two of their number or by the chief officer of police for the district.

(4) In the application of this section to the county of London the committee of the compensation authority appointed under section six of the Licensing (Consolidation) Act, 1910, shall be substituted for the licensing justices.

Interpretation, application, short title, and duration.

2.—(1) In this Act the expression "retailers' licence" means any of the retailers' licences specified in the First Schedule to the Finance (1909-10) Act, 1910, and the expression "chief officer of police"—

10 Edw. 7. c. 8.

(*a*) with respect to the city of London, means the Commissioner of the City Police; and

(*b*) elsewhere in England, has the same meaning as in the Police Act, 1890.

53 & 54 Vict. c. 45.

(2) In the application of this Act to Scotland, the Secretary for Scotland shall be substituted for the Secretary of State, and the licensing court shall be substituted for the licensing justices, and the general half-yearly meeting of the court, or any adjournment thereof, shall be substituted for the general annual licensing meeting; "sheriff-depute" shall be substituted for "chief officer of police"; the reference to an appeal to quarter sessions shall not apply; "summary conviction" means summary conviction in the sheriff court; "intoxicating liquor" means exciseable liquor, and "retailers' licence" means certificate as defined in Part VII. of the Licensing (Scotland) Act, 1903.

3 Edw. 7. c. 25.

(3) In the application of this Act to Ireland the Lord Lieutenant shall be substituted for the Secretary of State, and the expression "licensing district" means, as respects the police district of Dublin metropolis, that district, and elsewhere in Ireland the petty sessions district. The expression "chief officer of police" means, as respects the police district of Dublin metropolis, either of the commissioners of police for that district, and elsewhere in Ireland a district inspector of the Royal Irish Constabulary, and the expression "licensing justices" means, as respects the police district of Dublin metropolis, the Recorder of the city of Dublin, and, as respects any other licensing district, two or more justices at petty sessions.

(4) This Act may be cited as the Intoxicating Liquor (Temporary Restriction) Act, 1914.

(5) This Act shall remain in force during the continuance of the present war, and for a period of one month after the close thereof.

CHAPTER 78.

An Act to give, in connexion with the present War, further powers to Courts in relation to the remedies for the recovery of money, and in relation to other similar matters.

[31st August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of courts to defer executions &c.

1.—(1) From and after the passing of this Act no person shall—

(*a*) proceed to execution on, or otherwise to the enforcement of, any judgment or order of any court (whether entered or made before or after the passing of this Act) for the payment or recovery of a sum of money to which this subsection applies, except after such application to such court and such notice as may be provided for by rules or directions under this Act; or

(*b*) levy any distress, take, resume, or enter into possession of any property, exercise any right of re-entry, foreclose, realise any security (except by way of sale by a mortgagee in possession), forfeit any deposit, or enforce the lapse of any policy of insurance to which this subsection applies, for the purpose of enforcing the payment or recovery of any sum of money to which this subsection applies, or, in default of the payment or recovery of any such sum of money, except after such application to such court and such notice as may be provided for by rules or directions under this Act.

This subsection shall not apply to any sum of money (other than rent not being rent at or exceeding fifty pounds per annum) due and payable in pursuance of a contract made after the beginning of the fourth day of August nineteen hundred and fourteen.

This subsection applies to life or endowment policies for an amount not exceeding twenty-five pounds, or payment equivalent thereto, the premiums in respect of which are payable at not longer than monthly intervals, and have been paid for at least the two years preceding the fourth day of August nineteen hundred and fourteen.

(2) If, on any such application, the court to which the application is made is of opinion that time should be given to the person liable to make the payment on the ground that he is unable immediately to make the payment by reason of circumstances attributable, directly or indirectly, to the present war, the court may, in its absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order, stay execution or defer the operation of any such remedies as aforesaid, for such time and subject to such conditions as the court thinks fit.

(3) Where a bankruptcy petition has been presented against any debtor, and the debtor proves to the satisfaction of the court having jurisdiction in bankruptcy that his inability to pay his debts is due to circumstances attributable, directly or indirectly, to the present war, the court may, in its absolute discretion, after considering all the circumstances of the case and the position of all the parties, at any time stay the proceedings under the petition for such time and subject to such conditions as the court thinks fit.

1 & 2 Vict. c. 74.

(4) This Act shall apply to all proceedings for the recovery of possession of tenements under the Small Tenements Recovery Act, 1838, as if they were in all cases proceedings for the payment or recovery of a sum of money due and payable on account of rent.

(5) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving full effect to this Act, and may, by those rules or directions, provide for any proceedings for the purposes of this Act being conducted, so far as desirable, in private and for the remission of any fees.(**a**)

(6) The powers given under this Act shall be in addition to, and not in derogation of, any other powers of any court.

(7) Nothing in this Act shall affect any right or power of pawnbrokers to deal with pledges, or give any power to stay execution or defer the operation of any remedies of a creditor in the case of a sum of money payable by, or recoverable from, the subject of a Sovereign or State at war with His Majesty.

(8) Any stay of execution or of other proceedings, and any postponement of the operation of the remedies of a creditor, which has been granted or ordered by any court since the commencement of the present war and before the passing of this Act shall be as valid as if this Act had been in operation when the stay or postponement was granted or ordered.

Short title, application, and duration.

2.—(1) This Act may be cited as the Courts (Emergency Powers) Act, 1914.

(2) In the application of this Act to Scotland the Court of Session shall be substituted for the Lord Chancellor; "Act of Sederunt" shall be substituted for "rules"(**b**); "a petition for sequestration" shall be substituted for "a bankruptcy petition"; "diligence" shall be substituted for "execution"; and "decree" shall be substituted for "judgment or order," and shall be deemed to include any warrant authorising diligence; "creditor in a heritable security" shall be substituted for "mortgagee"; and "proceedings in removings and ejections in the case of subjects let at a rent not exceeding twenty-one pounds" shall

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(**a**) The Rules made and Directions given by the Lord Chancellor under this power are printed at pp. 115–124 below under the heading "Courts (Emergency Powers)."

(**b**) See Act of Sederunt of September 28th printed at p. 125 below.

be substituted for "proceedings for the recovery of possession of tenements under the Small Tenements Recovery Act, 1838."

(3) In the application of this Act to Ireland the Lord Chancellor of Ireland(**a**) shall be substituted for the Lord Chancellor.

(4) His Majesty may, by Order in Council, at any time determine the operation of this Act, or provide that this Act shall have effect subject to such limitations as may be contained in the Order;(**b**) but, subject to the operation of any such Order in Council, this Act shall have effect during the continuance of the present war, and for a period of six months thereafter.

CHAPTER 79.

An Act to provide for the exercise of Prize Jurisdiction by certain British Courts in Egypt, Zanzibar, and Cyprus, in respect of the present War. [18th September 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Prize Courts in Egypt, Zanzibar, and Cyprus.

1. If His Majesty is pleased to confer jurisdiction in matters of prize on any of the following courts, that is to say:—

(*a*) His Britannic Majesty's Supreme Court for the Dominions of the Sublime Ottoman Porte in Egypt;

(*b*) His Britannic Majesty's Court for Zanzibar in Zanzibar;

(*c*) The Supreme Court of Cyprus in Cyprus;

the Court shall, in respect of the present war, have, under the Naval Prize Courts Acts, 1864 to 1914, the jurisdiction thereby conferred on a Vice-Admiralty Prize Court, and those Acts and any Order in Council made thereunder shall apply accordingly, subject to such modifications (if any) as to His Majesty in Council may appear expedient or necessary.(**c**)

Short title.

2. This Act may be cited as the Prize Courts (Egypt, Zanzibar, and Cyprus) Act, 1914.

(**a**) *See* Rules made by the Lord Chancellor of Ireland, September 17th, printed at pp. 127–136 below.

(**b**) *See* the Courts (Emergency Powers) Order in Council, 1914, printed at p. 114 below.

(**c**) *See* Order in Council of September 30th, 1914, conferring jurisdiction on the three courts specified and printed at pp. 253–255 below under the heading "PRIZE COURTS," footnotes to which refer to the establishment of those courts

CHAPTER 80.

An Act to amend the Police Reservists (Allowances) Act, 1914,(**a**) and to extend the provisions of that Act and certain other enactments relating to police reservists to certain constables not being reservists. [18th September 1914.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 1 (2) of 4 & 5 Geo. 5. c. 34.

1. The following subsection shall be substituted for subsection (2) of section one of the Police Reservists (Allowances) Act, 1914(**a**):—

> (2) If the man dies or is disabled whilst employed on naval or military service the police authority shall have power to grant to his widow and children or to him pensions and allowances equal to one-half the amount payable out of naval or military funds in pursuance of any Royal Warrant, so however that the total amount receivable from the police authority when added to the amount payable from such funds as aforesaid shall not in any case exceed the maximum amount which could have been awarded under the Police Act, 1890, as amended by any subsequent enactment, if the injury had been received by the man in the execution of his duty as a constable without his own default and the injury had not been accidental.

53 & 54 Vict. c. 45.

Application to constables who re-enlist &c. of certain enactments relating to police reservists.

6 Edw. 7. c. 7.

2.—(1) If, with the consent of the chief officer of police of the force to which he belongs, a constable who has been a petty officer or non-commissioned officer re-enters or has re-entered the navy, or re-enlists or has re-enlisted in the regular forces, for the purposes of the present war, the Police Reservists (Allowances) Act, 1914, as amended by this Act, subsection (5) of section four of the Police Act, 1890,(**b**) and section four of the Police (Superannuation) Act, 1906,(**b**) shall, subject to the necessary adaptations, apply to him in like manner as they apply to a constable who, being a man belonging to the naval reserves or the army reserve, has been called out for service during war or any emergency or, as the case may be, on permanent service.

(2) A police authority may, if they think fit, by order extend the privileges conferred by this section to any constable who, for the purposes of the present war, enters or enlists, or has entered or enlisted, in any of His Majesty's naval or military forces, if the police authority are satisfied, after consultation with the Admiralty or Army Council, that the constable possesses qualifications not possessed by ordinary recruits for rendering

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(**a**) Printed at p. 16 above.

(**b**) The enactments thus applied are printed in Appendix F. at the end of this Manual special service in the navy or army, and thereupon this section, subject to the necessary adaptations, shall apply to the constable.

(3) In the application of this Act to Scotland, references to subsection (5) of section four of the Police (Scotland) Act, 1890,(**a**) and to section nine of the Police (Scotland) Act (1890) Amendment Act, 1910,(**a**) shall be substituted for the references to subsection (5) of section four of the Police Act, 1890, and to section four of the Police (Superannuation) Act, 1906, respectively.

53 & 54 Vict. c. 67.

10 Edw. 7. & 1 Geo. 5. c. 10.

Special provisions as to City Police.

3. For the purposes of the present war subsection (5) of section four of the Police Act, 1890, and section four of the Police (Superannuation) Act, 1906 (both as originally enacted and as applied by this Act), shall apply to constables of the City Police Force as if that force were a police force within the meaning of the Police Act, 1890.

Short title and construction.

4. This Act shall be cited as the Police Constables (Naval and Military Service) Act, 1914, and shall be construed as one with the Police Reservists (Allowances) Act, 1914.

CHAPTER 81.

An Act to amend section forty-six of the National Insurance Act, 1911, as respects certain officers, warrant officers, and soldiers, [18th September, 1914.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of section 46 of 1 & 2 Geo. 5. c. 55.

1. Section forty-six of the National Insurance Act, 1911, shall apply, and shall be deemed always to have applied, to soldiers specially enlisted for the purposes of the present war, and to all persons who, being previously insured, serve during the present war as commissioned or warrant officers of the naval reserves, or officers of the reserve or of the territorial force, or are granted temporary commissions in the regular forces during the continuance of the present war, as it applies to men of the territorial forces called out on embodiment.(**b**)

Short title

2. This Act may be cited as the National Insurance (Navy and Army) Act, 1914.

(**a**) The enactments thus applied are printed in Appendix F. at the end of this Manual.

(**b**) *See* Provisional Regulations made by the Insurance Commissioners and by the Welsh Insurance Commissioners under this power and printed at pp. 193–197 below under the heading "NATIONAL HEALTH INSURANCE." It is (September 30th, 1914) understood that the Scottish and the Irish Commissioners are about to make similar Regulations.

CHAPTER 82.

An Act to make provision in connection with the present war with respect to Bills of Exchange payable outside the British Islands. [18th September 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Delay in presentment of a bill for payment due to war.

45 & 46 Vict. c. 61.

1. Without prejudice to the operation of subsection (1) of section forty-six of the Bills of Exchange Act, 1882, delay in the presentment for payment of a bill of exchange, where the proper place for payment is outside the British Islands, is excused if the delay is, or has been, due either directly or indirectly to circumstances arising out of the present war, or to the impracticability, owing to similar circumstances, of transmitting the bill to the place of payment with reasonable safety.

Provision as to bills of exchange lost owing to war.

2. Where, in any action or proceeding upon a bill of exchange payable outside the British Islands, it is shown to the court that the bill has been lost and that the loss can reasonably be presumed to be due to circumstances attributable directly or indirectly to the present war, the court may allow proof of the bill to be given by means of a copy thereof certified by a notary public, or by means of such other evidence as the court think reasonable under the circumstances: Provided that such indemnity be given against the claims of other persons as the court may require.

Duration.

3. His Majesty may, by Order in Council, at any time determine the operation of this Act, or provide that this Act shall have effect subject to such limitations as may be contained in the Order;(**a**) but, subject to the operation of any such Order in Council, this Act shall have effect during the continuance of the present war and for a period of six months thereafter.

Short title

4. This Act may be cited as the Bills of Exchange Act, 1914.

CHAPTER 83.

An Act to enable the Army Council to fix the mode of payment of Military Pensions. [18th September 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Mode of payment of pensions.

1. Nothwithstanding anything in any Act, Order, or Royal Warrant to the contrary, pensions payable in respect of military service shall be issued in advance at such intervals (not exceeding three months) as the Army Council may from time to time by order direct:

(**a**) No Order in Council has (October 9th, 1914) been made under this power.

Provided that this section shall not apply in the case of pensions granted before the passing of this Act, and that an Order of the Army Council under this section may in any case provide that, where a soldier who has enlisted before the passing of this Act dies whilst in receipt of a pension, a sum not exceeding the amount of his pension for three months may be paid to his personal representatives.

2. This Act may be cited as the Army Pensions Act, 1914. Short title.

CHAPTER 84.

An Act to make provision with respect to Constables of the Royal Irish Constabulary and Dublin Metropolitan Police who are Reservists or join the Naval or Military Forces.

[18th September 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Naval or military service of Irish Police Reservists.

1.—(1) Where a constable of the Royal Irish Constabulary or Dublin Metropolitan Police has, in pursuance of a Royal proclamation, been called into actual service as a member of any Royal Naval Reserve force, or been called out for permanent service as a member of the Army Reserve, on his return to the police force his subsequent pay in that force, and any pension, allowance, or gratuity granted after his return to him or his dependents under the Acts relating to that force, may, if the Lord Lieutenant so directs, be calculated in like manner as if his service under the proclamation had been service in the police force.

(2) The provisions of the Constabulary and Police (Ireland) Act, 1883, with respect to constables of the Royal Irish Constabulary and Dublin Metropolitan Police who belong to the Army Reserve shall extend to constables of those police forces who belong to any Royal Naval Reserve force, with the substitution of "required for training or called into actual service" for "called out for training or for permanent service." 46 & 47 Vict. c. 14.

(3) His Majesty may, by Order in Council, extend to constables of the Royal Irish Constabulary or Dublin Metropolitan Police all or any of the provisions of the Police Reservists (Allowances) Act, 1914, or the Police Constables (Naval and Military Service) Act, 1914, with such adaptations and modifications as appear to His Majesty to be necessary or expedient.(**a**) 4 & 5 Geo. 5. c. 34. 4 & 5 Geo. 5. c. 80.

2. This Act may be cited as the Irish Police Constables (Naval and Military Service) Act, 1914. Short title.

(**a**) No Order in Council has (October 9th, 1914) been made under this power.

CHAPTER 85.

An Act to extend the time within which proceedings may be taken for the recovery of Rates. [18th September 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of time for taking proceedings for recovery of rates.

11 & 12 Vict. c. 43.

1. Section eleven of the Summary Jurisdiction Act, 1848, which limits the time within which proceedings may be commenced, shall not apply to any proceedings for the recovery of any rate where the institution of the proceedings has been deferred by the rating authority for the purpose of allowing time to persons who, by reason of circumstances attributable directly or indirectly to the present war, are temporarily unable to pay the rate.

Short title.

2. This Act may be cited as the Rates (Proceedings for Recovery) Act, 1914.

CHAPTER 87.

An Act to make provision with respect to penalties for Trading with the Enemy, and other purposes connected therewith. [18th September 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Penalties for trading with enemy.

1.—(1) Any person who during the present war trades or has, since the fourth day of August nineteen hundred and fourteen, traded with the enemy within the meaning of this Act shall be guilty of a misdemeanour, and shall—

(*a*) on conviction under the Summary Jurisdiction Acts,(**a**) be liable to imprisonment with or without hard labour for a term not exceeding twelve months, or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine; or

(*b*) on conviction on indictment, be liable to penal servitude for a term not exceeding seven or less than three years or to imprisonment with or without hard labour for a term not exceeding two years, or to a fine, or to both such penal servitude or imprisonment and fine;

and the court may in any case order that any goods or money, in respect of which the offence has been committed, be forfeited.

(**a**) As to the present meaning of this expression in relation to each part of the United Kingdom, *see* footnote (**a**) at p. 7 above.

(2) For the purposes of this Act a person shall be deemed to have traded with the enemy if he has entered into any transaction or done any act which was, at the time of such transaction or act, prohibited by or under any proclamation issued by His Majesty dealing with trading with the enemy for the time being in force,(**a**) or which at common law or by statute constitutes an offence of trading with the enemy:

Provided that any transaction or act permitted by or under any such proclamation shall not be deemed to be trading with the enemy.

(3) Where a company has entered into a transaction or has done any act which is an offence under this section, every director, manager, secretary, or other officer of the company who is knowingly a party to the transaction or act shall also be deemed guilty of the offence.

(4) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Attorney-General:

Provided that the person charged with such an offence may be arrested and a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail notwithstanding that the consent of the Attorney-General to the institution of the prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(5) Where an act constitutes an offence both under this Act and under any other Act, or both under this Act and at common law, the offender shall be liable to be prosecuted and punished under either this Act or such other Act, or under this Act or at common law, but shall not be liable to be punished twice for the same offence.

Power to inspect books and documents.

2.—(1) If a justice of the peace is satisfied, on information on oath laid on behalf of a Secretary of State or the Board of Trade, that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed by any person, firm, or company, he may issue a warrant authorising any person appointed by a Secretary of State or the Board of Trade and named in the warrant to inspect all books or documents belonging to or under the control of that person, firm, or company, and to require any person able to give any information with respect to the business or trade of that person, firm, or company to give that information, and if accompanied by a constable to enter and search any premises used in connection with the business or trade, and to seize any such books or documents as aforesaid:

(**a**) *See* Proclamation dated August 5th, 1914 (printed at p. 375 below under the heading "TRADING WITH THE ENEMY"), which was extended to Austria-Hungary by Proclamation of August 12th (printed at p. 97 above under heading "AUSTRIA-HUNGARY"). Both the Proclamation of August 5th and its extension of the 12th were revoked by the "Trading with the Enemy Proclamation No. 2," (printed at p. 378 below under the heading "TRADING WITH THE ENEMY"), and this Proclamation No. 2 was amended by Proclamation of October 8th, which is printed in the Supplement at the end of this Manual.

Provided that when it appears to a Secretary of State or the Board of Trade that the case is one of great emergency and that in the interests of the State immediate action is necessary, a Secretary of State or the Board of Trade may, by written order, give to a person appointed by him or them the like authority as may be given by a warrant of a justice under this subsection.

(2) Where it appears to the Board of Trade—

(*a*) in the case of a firm, that one of the partners in the firm was immediately before or at any time since the commencement of the present war a subject of, or resident or carrying on business in, a state for the time being at war with His Majesty; or

(*b*) in the case of a company, that one-third or more of the issued share capital or of the directorate of the company immediately before or at any time since the commencement of the present war was held by or on behalf of or consisted of persons who were subjects of, or resident or carrying on business in, a state for the time being at war with His Majesty; or

(*c*) in the case of a person, firm or company, that the person was or is, or the firm or company were or are, acting as agent for any person, firm, or company trading or carrying on business in a state for the time being at war with His Majesty;

the Board of Trade may, if they think it expedient for the purpose of satisfying themselves that the person, firm or company are not trading with the enemy, by written order, give to a person appointed by them, without any warrant from a justice, authority to inspect all books and documents belonging to or under the control of the person, firm or company, and to require any person able to give information with respect to the business or trade of that person, firm or company, to give that information.

For the purposes of this subsection, any person authorised in that behalf by the Board of Trade may inspect the register of members of a company at any time, and any shares in a company for which share warrants to bearer have been issued shall not be reckoned as part of the issued share capital of the company.

(3) If any person having the custody of any book or document which a person is authorised to inspect under this section refuses or wilfully neglects to produce it for inspection, or if any person who is able to give any information which may be required to be given under this section refuses or wilfully neglects when required to give that information, that person shall on conviction under the Summary Jurisdiction Acts(**a**) be liable to imprisonment with or without hard labour for a term not exceeding six months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(**a**) As to the present meaning of this expression in relation to each part of the United Kingdom, *see* footnote (**a**) to p. 7 above.

Power of Board of Trade to apply for receiver in certain cases.

3. Where it appears to the Board of Trade in reference to any firm or company—

(*a*) that an offence under this Act has been or is likely to be committed in connexion with the trade or business thereof; or

(*b*) that the control or management thereof has been or is likely to be so affected by the state of war as to prejudice the effective continuance of its trade or business and that it is in the public interest that the trade or business should continue to be carried on;

the Board of Trade may apply to the High Court for the appointment of a controller of the firm or company, and the High Court shall have power to appoint such a controller, for such time and subject to such conditions and with such powers as the court thinks fit, and the powers so conferred shall be either those of a receiver and manager or those powers subject to such modifications, restrictions or extensions as the court thinks fit (including, if the court considers it necessary or expedient for enabling the controller to borrow money, power, after a special application to the court for that purpose, to create charges on the property of the firm or company in priority to existing charges).

The court shall have power to direct how and by whom the costs of any proceedings under this section, and the remuneration, charges, and expenses of the controller, shall be borne, and shall have power, if it thinks fit, to charge such costs, charges, and expenses on the property of the firm or company in such order of priority, in relation to any existing charges thereon, as it thinks fit.

Short title and construction.

4.—(1) This Act may be cited as the Trading with the Enemy Act, 1914.

(2) In this Act the expression "Attorney-General" means the Attorney or Solicitor General for England, and as respects Scotland means the Lord Advocate, and as respects Ireland means the Attorney or Solicitor General for Ireland.

(3) In the application of this Act to Scotland the Secretary for Scotland shall be substituted for a Secretary of State, and the Court of Session shall be substituted for the High Court; the court exercising summary jurisdiction shall be the sheriff court; references to a justice of the peace shall include references to the sheriff and to a burgh magistrate; and references to a receiver and manager shall be construed as references to a judicial factor.

(4) In the application of this Act to Ireland, the Lord Lieutenant shall be substituted for a Secretary of State.

(5) Anything authorised under this Act to be done by the Board of Trade may be done by the President or a Secretary or Assistant Secretary of the Board, or any person authorised in that behalf by the President of the Board.

CHAPTER 88.

An Act to suspend the operation of the Government of Ireland Act, 1914, and the Welsh Church Act, 1914.

[18th September 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Suspension of the operation of the Government of Ireland Act, 1914, and the Welsh Church Act, 1914.

1.—(1) Notwithstanding anything in the Government of Ireland Act, 1914, no steps shall be taken to put that Act into operation, and notwithstanding anything in the Welsh Church Act, 1914, the date of disestablishment under that Act shall be postponed, until the expiration of twelve months from the date of the passing of those Acts respectively, or, if at the expiration of those twelve months the present war has not ended, until such later date (not being later than the end of the present war) as may be fixed by His Majesty by Order in Council; and the provisions of those Acts shall have effect accordingly.

4 & 5 Geo. 5. c. 90.
4 & 5 Geo. 5. c. 91.

(2) In this Act the Government of Ireland Act, 1914, means any Act which becomes law during the present session, and which may be cited by that short title; and the Welsh Church Act, 1914, means any Act which becomes law during the present session and which may be cited by that short title.

Short title.

2. This Act may be cited as the Suspensory Act, 1914.

CHAPTER 89.

An Act to prevent the Disposal or Pledging of Certificates, Naval Uniforms, or other Property, and for purposes connected therewith.

[18th September 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Application to navy of provisions of Army Act as to pledging of uniforms, certificates, &c.

1. Section one hundred and fifty-six of the Army Act (which imposes a penalty on purchasing from soldiers regimental necessaries, equipment, stores, &c.)(**a**) shall apply to persons serving in the naval forces of the Crown as it applies to soldiers, with such adaptations as the Admiralty may by regulations prescribe; and the Admiralty may by those regulations extend the application of subsection nine of the said section so as to make it applicable to any certificate relating to the service of any person serving in the naval forces of the Crown.

Short title.

2. This Act may be cited as the Navy (Pledging of Certificates, &c.) Act, 1914.

(**a**) The Army Act (44 & 45 Vict. c. 58) has been repeatedly amended and has in accordance with s. 8 (2) of the Army Annual Act, 1885 (48 & 39 Vict. c. 8), been printed with the amendments made down to the passing of the Army (Annual) Act, 1914 (4 & 5 Geo. 5, c. 2), and such print has been put on sale.

[*Attention is directed to the Prefatory Note at p. iii. which described the scope and arrangement of the Manual.*]

Part III.

EMERGENCY PROCLAMATIONS, ORDERS, AND REGULATIONS.

[*Note.*—These Proclamations, Orders &c. are as printed in this Manual grouped under subject headings, the advantage of such grouping being that it brings immediately together Proclamations, &c. dealing with the same matter, instead of (as a chronological sequence would necessitate), separating them.

The Chronological Table (pp. v-x) above gives a list of all these Proclamations, Orders, &c. arranged in order of date.

Those Proclamations, Orders &c. which have been repealed or superseded are printed in italic type, and the like type is employed to indicate partial repeals. This, like the other parts of the Manual, is revised to the 30th of September inclusive.]

AERIAL NAVIGATION.

Order made by the Secretary of State, dated August 2, 1914, under the Aerial Navigation Acts, 1911 (1 & 2 Geo. 5. c. 4) and 1913 (2 & 3 Geo. 5. c. 22).

1914. No. 1117.

In pursuance of the powers conferred on me by the Aerial Navigation Acts, 1911 and 1913, I hereby make, for the purposes of the safety and defence of the realm, the following Order:—

I prohibit the navigation of aircraft of every class and description over the whole area of the United Kingdom, and over the whole of the coast-line thereof and territorial waters adjacent thereto.

This Order shall not apply to naval or military aircraft or to aircraft flying under naval or military orders: nor shall it apply to any aircraft flying within three miles of a recognized aerodrome.

R. McKenna,
One of His Majesty's Principal
Secretaries of State.

Home Office,
Whitehall,
2nd August, 1914.

ALIENS RESTRICTION.(a)

THE ALIENS RESTRICTION ORDER, 1914. (b) (c)

1914. No. 1161.

At the Court at Buckingham Palace, the 5th day of August, 1914.

PRESENT.

The King's Most Excellent Majesty in Council.

Whereas by the Aliens Restriction Act, 1914,(d) *power is conferred upon His Majesty in time of war or imminent national danger or great emergency by Order in Council to impose restrictions on aliens, and to make such provisions as may be necessary or expedient for carrying such restrictions into effect:*

And whereas a state of war at present exists between Great Britain and Germany:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.

RESTRICTIONS ON ALIENS ENTERING AND LEAVING THE UNITED KINGDOM.

Approved Ports and Prohibited Ports.

Definition of approved ports and prohibited ports.

1.—(1) For the purposes of this Order, the following ports are approved ports, that is to say:—

Aberdeen,
Dundee,
West Hartlepool,
Hull,
London,
Folkestone,
Falmouth,
Bristol,
Holyhead,
Liverpool,
Greenock,
Dublin,
Rosslare;

and any other port or place in the United Kingdom is, for the purposes of this Order, a prohibited port.

(2) For the purposes of this Order the limits of the approved ports shall be those specified in the First Schedule to this Order, and any part of an approved port outside those limits shall be treated as though it were part of a prohibited port.

(a) The Order in Council of September 30th, 1914, under the Isle of Man (War Legislation) Act, 1914 (4 & 5 Geo. 5. c. 62), extending the Aliens Restriction Act, 1914 (4 & 5 Geo. 5. c. 12) to the Isle of Man, and the Aliens Restriction (Isle of Man) Order, 1914, are printed under the heading "ISLE OF MAN" at pp. 186–189 below.

(b) This Order was amended by the Aliens Restriction Orders Nos. 2, 3, and 4 printed at pp. 63–67 below.

All four Orders were repealed by the Aliens Restriction (Consolidation) Order, 1914 (printed at pp. 68–85 above) as from September 9th, 1914.

(c) This Order was published in the "London Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" of August 8th, 1914, being the 1st Supplement to the Gazette of August 7th; and in the "Dublin Gazette" of August 10th, 1914. being the 2nd Supplement to the Gazette of August 7th.

(d) 4 & 5 Geo. 5. c. 12. This Act is printed at pp. 6–8, above.

Aliens entering the United Kingdom.

Aliens not to land at prohibited ports.

2.—(1) An alien shall not land in the United Kingdom at a prohibited port:

Provided that—

(a) *where an aliens officer is satisfied that an alien friend who has arrived at a prohibited port had embarked for that port before this Order came into operation, and may safely be permitted to land, he may grant him permission accordingly; and*

(b) *where a Secretary of State is satisfied that an alien friend has arrived at a prohibited port in ignorance of the provisions of this Order or in any other circumstances entitling him to special consideration, and may safely be permitted to land, he may grant him permission accordingly; and*

(c) *subject to the provisions of this Order the foregoing prohibition shall not, unless in any particular case an aliens officer so directs, apply to an alien friend who is the master or a member of the crew of a vessel arriving at a prohibited port, if whilst he is on shore he complies with such requirements (if any) as may be imposed upon him or upon masters and seamen generally by an aliens officer at the port;*

and any alien friend who lands in accordance with this proviso, and, if conditionally disembarked, who complies with the conditions, shall not be liable to any penalty for landing at the port in question.

Alien enemies not to land without permits.

3. An alien enemy shall not land in the United Kingdom at an approved port, unless provided with a permit issued by the Secretary of State for Foreign Affairs.

Powers with respect to aliens landing at approved port.

4. An alien arriving at an approved port may, if a Secretary of State so directs, or if an aliens officer at the port is satisfied that he cannot safely be permitted to land in the United Kingdom, be treated as though the port were a prohibited port.

Detention of aliens arriving in United Kingdom.

5. An alien landing in contravention of this Order, and an alien arriving at any port in circumstances in which he is prohibited from landing, may, until dealt with under this Order, be detained in such manner as a Secretary of State may direct, and whilst so detained shall be deemed to be in legal custody.

Aliens not to enter United Kingdom with fire-arms, &c

6. An alien shall not land at any port in the United Kingdom having in his possession—

(a) *any firearms, ammunition, or explosives;*

(b) *any petroleum spirit, naphtha, benzol, petroleum, or other inflammable liquid in quantities exceeding three gallons;*

(c) *any apparatus or contrivance intended for or capable of being used for signalling apparatus, either visual or otherwise;*

(d) *any carrier or homing pigeons;*

(e) *any motor car, motor cycle, or aircraft; or*

(f) *any cipher code or other means of conducting secret correspondence;*

and where an alien lands with any such articles in his possession he shall forfeit the articles and shall be deemed to have imported them in contravention of the provisions of the Customs Consolidation Act, 1876,(**a**) *as though the articles in question were contained in the table of prohibitions and restrictions set out in section forty-two of that Act:*

Provided that where an aliens officer considers that an alien friend arriving at any port may safely be permitted to land with any such articles as aforesaid in his possession, he may permit him to land accordingly, and the foregoing provisions of this article shall not apply.

Conditional landing.

7. An alien conditionally disembarked under the directions of an aliens officer for the purpose of inquiry or examination shall not for the purposes of this Order be deemed to have landed so long as the conditions are complied with.

Aliens leaving the United Kingdom.

Aliens not to embark at prohibited ports.

8. An alien shall not, except in pursuance of an order of deportation under this Order, embark in the United Kingdom at a prohibited port:

Provided that—

(a) *an alien friend shall be permitted to embark at a prohibited port if he satisfies an aliens officer at that port that he had booked a passage on a vessel sailing from that port before this Order came into operation, and that he can safely be permitted to leave the United Kingdom; and*

(b) *where a Secretary of State is satisfied that any alien friend who desires to embark at a prohibited port may safely be permitted to do so, he may grant him permission accordingly; and*

(c) *subject to the provisions of this Order the foregoing prohibition shall not, unless in any particular case an aliens officer so directs, apply to an alien friend who is the master or a member of the crew of a vessel leaving a prohibited port;*

and any alien friend who embarks in accordance with this proviso shall not be liable to any penalty for embarking in the United Kingdom at the port in question.

Provision as to alien enemies leaving a port without having landed.

9. Where an alien enemy is about to leave any port on board a vessel on which he has arrived at the port he may for the purposes of this Order, if a Secretary of State so directs or if it appears necessary to an aliens officer in the interests of public safety, be treated as though he had embarked at that port in contravention of this Order, but shall not be subject to any fine or imprisonment for so embarking.

Alien enemies not to embark without permit.

10. As from a date to be fixed by a Secretary of State an alien enemy shall not, except in pursuance of an order of deportation under this Order, embark in the United Kingdom at an

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(**a**) 39 & 40 Vict. c. 36.

approved port, unless provided with a permit issued by a Secretary of State:

Provided that an alien enemy about to embark in the United Kingdom at an approved port either before such date as aforesaid, or after that date when provided with such permit as aforesaid, may, if a Secretary of State so directs, or if in the opinion of an aliens officer he cannot safely be permitted to embark, be treated as though the port were a prohibited port.

Detention of aliens embarking.

11. An alien embarking or about to embark in the United Kingdom in contravention of this Order may, until dealt with under this Order, be detained in such manner as a Secretary of State may direct, and whilst so detained shall be deemed to be in legal custody.

Deportation of aliens.

12.—(1) A Secretary of State may order the deportation of any alien, and any alien with respect to whom such an order is made shall forthwith leave the United Kingdom.

(2) Where an alien is ordered to be deported under this Order, he may, whilst awaiting the departure of his ship, and whilst being conveyed to the ship, and whilst on board the ship until the ship finally leaves the United Kingdom, be detained in such manner as the Secretary of State directs, and, whilst so detained, shall be deemed to be in legal custody.

Obligations on Masters of Vessels.

Obligations on masters of vessels.

13.—(1) The master of every vessel, whether British or foreign, arriving at or leaving a port in the United Kingdom shall, immediately on the arrival of the vessel at that port, or, as the case may be, not more than twenty-four hours before leaving that port, furnish to an aliens officer at that port, with respect to all persons on board the vessel, or intending to embark on the vessel, such particulars in such manner as the Secretary of State may direct, and shall otherwise take all reasonable steps in his power for securing the enforcement of this Order.

(2) The master of a vessel arriving at or leaving any port shall not permit any persons to land or to embark without the sanction of an aliens officer at the port.

(3) Where a person lands or embarks at any port in contravention of this Order, the master of the vessel from which he lands or on which he embarks shall, unless he proves the contrary, be deemed to have aided and abetted the offence.

Obligation to afford passage to aliens.

14. The master of a ship about to call at any port shall, if so required by a Secretary of State or an aliens officer, receive an alien and his dependants, if any, on board his ship and afford him or them a passage to that port, and proper accommodation and maintenance during the passage, and, if the ship is the same or belongs to the same owners as the ship in which the alien arrived in the United Kingdom, shall, if so required as aforesaid, afford such passage, accommodation, and maintenance free of charge.

Aliens Officers.

Aliens officers.

15.—(1) The following persons, that is to say—

(a) *any immigration officers appointed under the Aliens Act, 1905;*(**a**) *and*

(b) *any persons appointed for the purpose by a Secretary of State;*

shall be aliens officers for the purposes of this Order at the various ports in the United Kingdom, and shall in the exercise of their powers act under general or special instructions from the Secretary of State, and, subject to such instructions, shall have power to enter on board any vessel, and to detain and examine all persons arriving at or leaving any port in the United Kingdom, and to require the production of any documents by such persons, and generally to take such steps as are sanctioned by this Order or as may be necessary for giving effect to this Order.

Offences in relation to aliens officers.

16. If any alien, master of a ship, or other person arriving at or leaving any port lands or embarks without the permission of an aliens officer, or refuses to answer any question reasonably put to him by an aliens officer, or makes any false return, false statement, or false representation to an aliens officer, or refuses to produce any document in his possession which he is required by an aliens officer to produce, or obstructs or impedes an aliens officer in the exercise of his powers or duties under the Order, he shall be deemed to have acted in contravention of this Order.

Exceptions.

Part I. not to apply in certain cases.

17. This Part of the Order shall not apply—

(a) *to prisoners of war; or*

(b) *to children appearing to an aliens officer to be under the age of fourteen.*

Part II.

Restrictions on Aliens Residing in the United Kingdom.

Residence and Registration of Aliens.

Power to order aliens to reside in certain areas.

18. A Secretary of State may by order require any alien enemy to reside or continue to reside in any place or district specified in the order, and the alien shall comply with the order.

Prohibition on alien enemies residing in prohibited areas.

19. An alien enemy shall not reside or continue to reside either temporarily or permanently in any of the areas specified in the Second Schedule to this Order (in this Order referred to as prohibited areas) unless provided with a permit issued by the registration officer of the district, subject to the general or special instructions of a Secretary of State, and every alien enemy who at the time of the making of this Order is resident in a prohibited area shall within four days, unless in the meantime he obtains such a permit aforesaid, leave that area, having first reported his proposed residence to the registration officer of the registration district which he is leaving.

(**a**) 5 Edw. 7. c. 13.

Registration of aliens.

20.—(1) An alien residing in a prohibited area, and an alien enemy wherever resident, shall comply with the following requirements as to registration:—

(a) *he shall, immediately on the making of this Order and on any subsequent change of address, furnish to the registration officer of the registration district in which he is resident particulars as to the matters set out in the Third Schedule to this Order:*

(b) *he shall, if he is about to change his residence, furnish to the registration officer of the registration district in which he is then resident particulars as to the date on which his residence is to be so changed, and as to his intended place of residence:*

(c) *he shall furnish to the registration officer of the registration district in which he is resident particulars of any circumstance affecting in any manner the accuracy of the particulars previously furnished by him for the purpose of registration within forty-eight hours after the circumstance has occurred.*

(2) Where an alien is lodging with or living as a member of the household of any other person, it shall be the duty of that person either himself to furnish with respect to the alien the particulars aforesaid, or to give notice of the presence of the alien in his household to the registration officer.

(3) Where an alien has a household he shall furnish the particulars as aforesaid not only as respects himself, but as respects every alien who is living as a member of his household.

Register of aliens.

21.—(1) For the purposes of this Order, the chief officer of police of the police district shall be the registration officer, and the police district shall be the registration district:

Provided that where a prohibited area includes the whole or part of more than one police district, arrangements may be made by a Secretary of State for constituting that prohibited area a single registration district, and for the appointment of a registration officer for that district.

(2) A registration officer shall—

(a) *keep for his registration district a register for the purposes of this Act;*

(b) *register therein all aliens resident in his district who furnish particulars for the purpose, by entering these particulars on the register;*

(c) *enter on the register all other particulars furnished in accordance with this Order with respect to any alien so registered; and*

(d) *if a registered alien ceases to be resident in his district, record the fact in the register.*

(3) The obligation of a registration officer to enter particulars upon the register shall not be affected by the fact that the particulars may not have been furnished within the time required by this Order, without prejudice, however, to the liability of an alien to a penalty for not furnishing the particulars within the required time.

(4) Every alien shall furnish to the registration officer, in addition to any such particulars as aforesaid, any information

which may reasonably be required for the purpose of registering the alien, or maintaining the correctness of the particulars entered on the register.

(5) For the purposes of this Order the expression "police district" means any district for which there is a separate police force; and the expression "chief officer of police" means the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police force of the district.

Prohibition on alien enemies travelling more than five miles from registered address.

22. An alien enemy shall not travel more than five miles from his registered place of residence unless furnished with a permit from the registration officer of the registration district in which that place of residence is situate, which permit shall not cover a period exceeding twenty-four hours from the date of its issue and shall be returned to the registration officer at the end of the period for which it was issued.

Provided that in the case of an alien enemy having a bonâ fide place of business more than five miles from his registered place of residence the registration officer may, if he thinks fit, grant a permit enabling him to travel to or from his place of business which shall be renewable from time to time as and when the registration officer so directs.

Possession of Firearms, &c. by Alien Enemies.

Prohibition on alien enemies having fire arms, &c., in their possession

23.—(1) An alien enemy shall not, except with the written permission of the registration officer of the district in which he resides, be in possession of—

(a) *any firearms, ammunition, or explosives;*
(b) *any petroleum spirit, naphtha, benzol, petroleum, or other inflammable liquid in quantities exceeding three gallons;*
(c) *any apparatus or contrivance intended for or capable of being used for a signalling apparatus, either visual or otherwise;*
(d) *any carrier or homing pigeon;*
(e) *any motor car, motor cycle, or aircraft: or*
(f) *any cipher code or other means of conducting secret correspondence.*

(2) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting any contravention of the foregoing provision, he may grant a search warrant authorising any constable named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any article which is being kept in the premises or place in contravention of this Article.

Where it appears to a superintendent or inspector of police, or any police officer of higher rank, that the case is one of great emergency, and that in the interests of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this Article.

Part III.

General.

Penalty.

24. If any person acts in contravention of or fails to comply with any provisions of this Order, he is liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months, and the court before which he is convicted may, either in addition to or in lieu of any such punishment, require that person to enter into recognizances with or without sureties to comply with the provisions of this Order or such provisions thereof as the court may direct.

If any person fails to comply with an order of the court requiring him to enter into recognizances the court or any court of summary jurisdiction sitting for the same place may order him to be imprisoned with or without hard labour for any term not exceeding six months.

Persons aiding and abetting.

25. If any person aids or abets any person in any contravention of this Order, or knowingly harbours any person whom he knows or has reasonable ground for supposing to have acted in contravention of this Order, he shall be deemed himself to have acted in contravention of this Order.

Arrest.

26. Any person who acts in contravention of this Order, or is reasonably suspected of having so acted, or being about so to act, may be taken into custody without warrant by an aliens officer or by any constable.

Additional powers of Secretary of State.

27.—(1) A Secretary of State may, if he thinks it necessary in the interests of public safety, direct that any of the provisions of this Order as to alien enemies shall in particular cases be applicable to other aliens, and thereupon such provisions shall apply accordingly.

(2) A Secretary of State may, if he thinks fit, direct that any powers or duties assigned under this Order to aliens officers or to registration officers shall be discharged by other persons deputed by the Secretary of State for the purpose.

Interpretation.

28. For the purposes of this Order—

The expression "alien friend" means an alien whose sovereign or State is at peace with His Majesty, and the expression "alien enemy" means an alien whose sovereign or State is at war with His Majesty; and

References to landing or embarking shall, unless the context otherwise implies, be deemed to include references to attempting to land or attempting to embark respectively.

Application to Scotland and Ireland.

29.—(1) In the application of this Order to Scotland—

The expressions "the court" and "any court of summary jurisdiction" mean the sheriff;

The expressions "enter into recognisances with or without sureties" and "enter into recognisances" mean "find caution."

(2) In the application of this Order to Ireland—

The expression "police district" means the police district of Dublin metropolis and any county or other area *for which a county inspector of the Royal Irish Constabulary or officer having the rank of such county inspector is appointed, and the expression "chief officer of police" means as respects the police district of Dublin metropolis the Chief Commissioner of the Dublin Metropolitan Police and as respects any other police district the county inspector of the Royal Irish Constabulary or officer having the rank of such county inspector as the case may be.*

The expression "superintendent of police" includes in the case of the Royal Irish Constabulary a sergeant and any officer of higher rank.

Order not to apply to ambassadors, &c.

30. Nothing in this Order shall be construed as imposing any restriction or disability on any foreign ambassador or other public minister duly authorised, or any servants in actual attendance upon any such ambassador or public minister.

Short title and construction.

31.—(1) This Order may be cited as the Aliens Restriction Order, 1914.

(2) The Interpretation Act, 1889,(**a**) *shall apply for the purpose of the interpretation of this Order in like manner as it applies for the purpose of the interpretation of an Act of Parliament.*

Almeric FitzRoy.

Schedules.

First Schedule.

Limits of Approved Ports.

Approved Port.	*Parts included within Limits of Port.*
Aberdeen	*North of Scotland and Orkney and Shetland Steam Navigation wharf outside the lock of Victoria Dock.*
Dundee	*Camperdown jetty.*
West Hartlepool	*Central dock.*
Hull	*Riverside quay.*
London	*Tilbury docks and pontoon.*
Folkestone	*Railway pier.*
Falmouth	*Outer arm of harbour pier.*
Bristol	*Landing stage, Avonmouth docks.*
Holyhead	*London and North Western Railway quay, east side.*
Liverpool	*Landing stage.*
Greenock	*Prince's pier.*
Dublin	*North wall.*
Rosslare	*Railway pier.*

(**a**) 52 & 53 Vict. c. 63.

Second Schedule.

Prohibited Areas.

The following areas are prohibited areas in England:—

Cheshire.

County Boroughs.—*Birkenhead: Chester.*

Urban Districts.—*Bromborough: Ellesmere Port and Whitby: Higher Bebington: Hoole: Hoylake and West Kirby: Lower Bebington: Neston and Parkgate: Runcorn: Wallasey.*

Rural Districts.—*Chester (Civil Parishes of—Bache, Backford, Blacon cum Crabwall, Bridge Trafford, Capenhurst, Caughall, Chorlton by Backford, Croughton, Dunham-on-the-Hill, Elton, Great Saughall, Hapsford, Hoole Village, Ince, Lea by Backford, Little Saughall, Little Stanney, Mickle Trafford, Mollington, Moston, Newton-by-Chester, Picton, Shotwick, Shotwick Park, Stoke, Thornton-le-Moors, Upton-by-Chester, Wervin, Wimbolds Trafford, and Woodbank only): Runcorn (Civil Parishes of—Acton Grange, Antrobus, Appleton, Bartington, Crowley, Daresbury, Dutton, Grappenhall, Great Budworth, Hatton, Higher Whitley, Keckwick, Latchford Without, Lower Whitley, Moore, Newton-by-Daresbury, Preston-on-the-Hill, Seven Oaks, Stockton Heath, Stretton, Thelwall, Walton Inferior, Walton Superior, Aston-by-Sutton, Aston Grange, Clifton, Halton, Norton, Sutton, and Weston only): Wirral.*

Cornwall.

Municipal Boroughs.—*Falmouth: Helston: Penryn: Penzance: St. Ives: Saltash: Truro.*

Urban Districts.—*Camborne: Hayle: Ludgvan: Madron: Paul: Phillack: Redruth: St. Just: Torpoint.*

Rural Districts.—*East Kerrier: Helston: Redruth: St. Germans: Truro: West Penwith.*

Devonshire.

County Boroughs.—*Devonport: Plymouth.*

Urban Districts.—*East Stonehouse: Ivybridge.*

Rural Districts.—*Plympton St. Mary: Tavistock (Civil Parish of Bere Ferrers only).*

Dorsetshire.

Municipal Boroughs.—*Dorchester: Poole: Weymouth and Melcombe Regis.*

Urban Districts.—*Portland: Swanage.*

Rural Districts.—*Dorchester: Poole: Wareham and Porbeck: Weymouth.*

Durham.

County Boroughs.—*Gateshead: South Shields: Sunderland: West Hartlepool.*

Municipal Boroughs.—*Durham: Hartlepool: Jarrow: Stockton-on-Tees.*

Urban Districts.—*Annfield Plain: Benfieldside: Blaydon: Brandon and Byshottles: Chester-le-Street: Consett: Felling: Hebburn: Hetton: Houghton-le-Spring: Leadgate: Ryton: Seaham Harbour: Southwick-on-Wear: Spennymoor: Stanley: Tanfield: Tow Law: Whickham: Willington.*

Rural Districts.—*Chester-le-Street: Durham: Easington: Hartlepool: Houghton-le-Spring: Lanchester: Sedgefield: South Shields: Stockton: Sunderland.*

Essex.

Municipal Boroughs.—*Chelmsford: Colchester: Harwich: Maldon: Southend-on-Sea.*

Urban Districts.—*Brentwood: Brightlingsea: Burnham-on-Crouch: Clacton: Frinton-on-Sea: Grays Thurrock: Leigh-on-Sea: Shoeburyness: Tilbury: Walton-on-the-Naze: Witham: Wivenhoe.*

Rural Districts.—*Billericay: Braintree—(Civil Parishes of—Feering, Great Coggeshall, Kelvedon, Little Coggeshall, Markshall, Rivenhall, Fairsted, Faulkbourne, Hatfield Peverel, and Terling only): Chelmsford: Lexden: Maldon: Orsett: Rochford: Tendring.*

Hampshire.

County Boroughs.—*Bournemouth: Portsmouth: Southampton.*

Municipal Boroughs.—*Christchurch: Lymington: Romsey.*

Urban Districts.—*Eastleigh and Bishopstoke: Fareham: Gosport and Alverstoke: Havant: Itchen: Warblington.*

Rural Districts.—*Christchurch: Fareham: Havant: Lymington: New Forest: Romsey: South Stoneham.*

Isle of Wight.

Municipal Boroughs.—*Newport: Ryde.*

Urban Districts.—*Cowes: East Cowes: St. Helens: Sandown: Shanklin: Ventnor.*

Rural District.—*Isle of Wight.*

Kent.

County Borough.—*Canterbury.*

Municipal Boroughs.—*Chatham: Deal: Dover: Faversham: Folkestone: Gillingham: Gravesend: Hythe: Lydd: Maidstone: Margate: New Romney: Queenborough: Ramsgate: Rochester: Sandwich.*

Urban Districts.—*Ashford: Broadstairs and St. Peter's: Cheriton: Herne Bay: Milton Regis: Northfleet: Sandgate: Sheerness: Sittingbourne: Walmer: Whitstable: Wrotham.*

Rural Districts.—*Blean: Bridge: Dover: East Ashford: Eastry: Elham: Faversham: Hollingbourn: Hoo: Isle of Thanet: Maidstone: Malling: Milton: Romney Marsh: Sheppey: Strood: West Ashford.*

Lancashire.

County Boroughs.—*Barrow-in-Furness: Liverpool: St. Helens: Southport.*

Municipal Boroughs.—*Morecambe: Widnes.*

Urban Districts.—*Allerton: Birkdale: Childwall: Dalton-in-Furness: Formby: Grange: Great Crosby: Heysham: Huyton-with-Roby: Lathom and Burscough: Litherland: Little Crosby: Little Woolton: Much Woolton: Ormskirk: Prescot: Rainford: Skelmersdale: Ulverston: Waterloo with Seaforth.*

Rural Districts.—*Sefton: Ulverston: West Lancashire: Whiston.*

Lincolnshire.

County Borough.—*Grimsby.*

Municipal Borough.—*Louth.*

Urban Districts.—*Alford: Barton-upon-Humber: Brigg: Broughton: Brumby and Frodingham: Cleethorpe with Thrunscoe: Mablethorpe: Market Rasen: Roxby cum Risby: Scunthorpe: Skegness: Winterton.*

Rural Districts.—*Caistor: Glanford Brigg: Grimsby: Louth: Spilsby.*

Monmouthshire.

County Borough.—*Newport.*

Municipal Borough.—*Abergavenny.*

Urban Districts.—*Abercarn: Abersychan: Abertillery: Bedwas and Machen: Bedwellty: Blaenavon: Caerleon: Ebbw Vale: Llanvrechva Upper: Llantarnam: Nantyglo and Blaina: Panteg: Pontypool: Rhymney: Risca: Tredegar: Usk.*

Rural Districts.—*Abergavenny: Magor: Pontypool: St. Mellons.*

Norfolk.

County Boroughs.—*Gt. Yarmouth: Norwich.*

Urban Districts.—*Cromer: North Walsham: Sheringham.*

Rural Districts.—*Aylsham: Blofield: East and West Flegg: Erpingham: Loddon and Clavering: Smallburgh.*

Northumberland.

County Boroughs.—*Newcastle-upon-Tyne: Tynemouth.*

Municipal Boroughs.—*Morpeth: Wallsend.*

Urban Districts.—*Amble: Ashington: Bedlingtonshire: Blyth: Cramlington: Earsdon: Gosforth: Longbenton: Newbiggin-by-the-Sea: Newburn: Prudhoe: Seaton Delaval: Seghill: Weetslade: Whitley and Monkseaton: Willington Quay.*

Rural Districts.—*Alnwick—(Civil Parishes of—Gloster Hill, Greens and Glantlees, Guyzance, Hauxley, Hazon and Hartlaw, High Buston, Lesbury, Low Buston, Morwick, Newton on the Moor, Shilbottle, Sturton Grange, Swarland, Togston, Walkmill, Warkworth, Whittle, and Woodhouse only): Castle Ward: Hexham—(Civil Parishes of—Bearl, Broomhaugh, Broomley, Bywell, Dukershagg, Espershields, Healey, Hedley, High Fotherley, Horsley, Nafferton. Newlands, Newton, Newton Hall, Ovingham, Ovington, Riding, Shotley High Quarter, Shotley Low Quarter, Spital. Stelling, Styford, Welton Whittle, Whittonstall, and Wylam only): Morpeth.*

Suffolk.

County Borough.—Ipswich.

Municipal Borough.—*Aldeburgh.*

Urban Districts.—*Felixstowe and Walton: Saxmundham: Woodbridge.*

Rural Districts.—*Plomesgate: Samford: Woodbridge.*

Sussex.

County Boroughs.—*Brighton: Eastbourne.*

Municipal Boroughs.—*Hove: Lewes.*

Urban Districts.—*Newhaven: Portslade-by-Sea: Seaford.*

Rural Districts.—*Chailey: Eastbourne: Hailsham—(Civil Parishes of—Arlington, Chalvington, Chiddingly, Hailsham, Hellingly, Laughton, Ripe only): Newhaven: Steyning East: Westbourne: West Hampnett—(Civil Parishes of—Appledram, Birdham, Donnington, Earnley, East Wittering, Hunston, Merston, New Fishbourne, North Mundham, Oving, Selsey, Sidlesham, West Itchenor, and West Wittering only).*

Yorkshire.

County Borough.—*Kingston-upon-Hull.*

Municipal Boroughs.—*Beverley: Hedon.*

Urban Districts.—*Cottingham: Hessle: Hornsea: Withernsea.*

Rural Districts.—*Beverley: Patrington: Sculcoates: Skirlaugh.*

The following areas are prohibited areas in Wales:—

Glamorganshire.

The whole county.

PEMBROKESHIRE.

Municipal Boroughs.—*Haverfordwest: Pembroke: Tenby.*
Urban Districts.—*Fishguard: Milford Haven: Neyland.*
Rural Districts.—*Haverfordwest: Narberth: Pembroke.*

The following areas are prohibited areas in Scotland:—

ARGYLLSHIRE.

Parishes.

Campbeltown.
Dunoon and Kilmun.
Inverchaolain.
Kilcalmonell.
Kilfinan.
Killean and Kilchenzie.
Kilmodan.
Lochgoilhead.
Saddell and Skipness.
Southend.
Strachur.
Stralachlan.

AYRSHIRE.

Parishes.

Ardrossan.
Ayr.
Beith.
Coylton.
Craigie.
Dalry.
Dalrymple.
Dreghorn.
Dundonald.
Dunlop.
Fenwick.
Irvine.
Kilbirnie.
Kilbride, West.
Kilmarnock.
Kilmaurs.
Kilwinning.
Largs.
Mauchline.
Maybole.
Monkton and Prestwick.
Ochiltree.
Riccarton.
Stair.
Stevenston.
Stewarton.
Symington.
Tarbolton.

BUTESHIRE.

The whole county.

DUMBARTONSHIRE.

Parishes.

Arrochar.
Bonhill.
Cardross.
Dumbarton.
Kilmarnock.
Kilpatrick, New.
Kilpatrick, Old.
Luss.
Roseneath.
Row.

EDINBURGSHIRE (MID-LOTHIAN).

Parishes.

Borthwick.
Calder, Mid.
Calder, West.
Carrington.
Cockpen.
Colinton.
Corstorphine.
Cramond.
Cranston.
Crichton.
Currie.
Dalkeith.
Edinburgh.
Fala.
Glencorse.
Inveresk.
Kirknewton.
Lasswade.
Leith.
Liberton.
Newbattle.
Newton.
Penicuik.
Ratho.
Temple.

ELGINSHIRE.

Parishes.

Alves.
Bellie.
Birnie.
Dallas.
Drainie.
Duffus.
Dyke and Moy.
Edinkillie.
Elgin.
Forres.
Kinloss.
New Spynie.
Rafford.
Rothes.
St. Andrews Lhanbryd.
Speymouth.
Urquhart.

Fifeshire.

Parishes.

Abdie.
Aberdour.
Anstruther Easter.
Anstruther Wester.
Auchterderran.
Auchtermuchty.
Auchtertool.
Ballingry.
Balmerino.
Beath.
Burntisland.
Cameron.
Carnbee.
Carnock.
Ceres.
Collessie.
Crail.
Creich.
Culross.
Cults.
Cupar.
Dairsie.
Dalgety.
Dunino.
Dunbog.
Dunfermline.
Elie
Falkland.
Ferry-Port-on-Craig.
Flisk.
Forgan.
Inverkeithing.
Kembach.
Kennoway.
Kettle.
Kilconquhar.
Kilmany.
Kilrenny.
Kinghorn.
Kinglassie.
Kingsbarns.
Kirkcaldy and Dysart.
Largo.
Leslie.
Leuchars.
Logie.
Markinch.
Monimail.
Moonzie.
Newburgh.
Newburn.
Pittenweem.
St. Andrews and St. Leonards.
St. Monans.
Saline.
Scoonie.
Strathmiglo.
Torryburn.
Tulliallan.
Wemyss.

Forfarshire.

Parishes.

Arbirlot.
Arbroath and St. Vigean.
Auchterhouse.
Barry.
Brechin.
Carmylie.
Craig.
Dun.
Dundee Combination.
Dunnichen.
Eassie and Nevay.
Farnell.
Forfar.
Fowlis Easter.
Glamis.
Guthrie.
Inverarity.
Inverkeilor.
Kettins.
Kinnell.
Kinnettles.
Kirkden.
Liff and Benvie.
Logie Pert.
Lunan.
Lundie.
Mains and Strathmartine.
Maryton.
Monifieth.
Monikie.
Montrose.
Murroes.
Newtyle.
Panbride.
Tealing.

Haddingtonshire.

The whole county.

Inverness-shire.

Parishes.

Ardersier.
Croy.
Daviot.
Dores.
Inverness.
Kirkhill.
Moy and Dalarossie.
Petty.

Kinross.

Parishes.

Cleish.
Fossoway.
Kinross.
Orwell.
Portmoak.

Linlithgowshire (West Lothian.)

The whole county.

Nairnshire.

The whole county.

Orkney.

The whole county.

Perthshire.

Parishes.

Abernyte.
Errol.
Inchture.
Longforgan.

Renfrewshire

Parishes.

Erskine.
Greenock.
Houston.
Inchinnan.
Inverkip.
Kilbarchan.
Kilmalcolm.
Lochwinnoch.
Port Glasgow.

Ross and Cromarty.

Parishes.

Alness.
Avoch.
Cromarty.
Dingwall.
Edderton.
Fearn.
Killearnan.
Kilmuir-Easter.
Kiltearn.
Knockbain.
Logie Easter.
Nigg.
Resolis.
Rosemarkie.
Rosskeen.
Tain.
Tarbat.
Urquhart.

Stirlingshire.

Parishes.

Airth.
Buchanan.
Grangemouth.
Muiravonside.

Sutherlandshire.

Parishes.

Clyne (East of river Shin).
Creich.
Dornoch.
Golspie.
Loth.
Rogart.

Zetland.

The whole county.

The following areas are prohibited areas in Ireland:—

Antrim.

County Borough.—*Belfast.*
Urban Districts.—*Ballyclare: Ballymena: Carrickfergus: Larne: Lisburn.*
Rural Districts.—*Antrim: Ballymena: Belfast: Larne: Lisburn.*

Cork.

County Borough.—*Cork.*
Urban Districts.—*Midleton: Queenstown: Youghal.*
Rural Districts.—*Bandon: Cork: Kinsale: Midleton: Youghal, No. 1.*

Donegal.

Rural Districts.—*Inishowen: Millord: Londonderry, No. 2.*

Down.

Urban Districts.—*Bangor: Donaghadee: Holywood: Newtown Ards.*
Rural Districts.—*Castlereagh: Downpatrick: Hilsborough: Newtown Ards.*

Londonderry.

County Borough.—*Londonderry.*
Rural District.—*Londonderry (" North West Liberties " only).*

Waterford.

Rural District.—*Youghal No. 2.*

Third Schedule.

Matters in respect of which Particulars are to be Furnished.

Name
Nationality and birth-place
Occupation
Sex
Age
Personal description and a photograph of the alien.
Distinctive mark (if any)
Finger prints, if so required
Place of residence (including nature of tenure or occupancy).
Place of business (if any)
Date of commencement of residence
Whether the alien has been or is in the service of any foreign government, and, if so, for how long and in what capacity.

Note.—*If the alien has a household, he must furnish the particulars aforesaid not only as respects himself, but also as respects every alien who is living as a member of his household.*

The Aliens Restriction (No. 2) Order, 1914. (a) (b)

1914. No. 1170.

At the Court at Buckingham Palace, the 10th day of August, 1914.

Present,

The King's Most Excellent Majesty in Council.

Whereas by the Aliens Restriction Order, 1914,(c) *His Majesty was pleased to impose restrictions upon aliens and to make various provisions for carrying those restrictions into effect :*

(a) This Order was repealed by the Aliens Restriction (Consolidation) Order 1914 (printed at pp. 65–85 above), as from September 9th, 1914.

(b) This Order was published in the " London Gazette " of August 10th, 1914, being the 2nd Supplement to the Gazette of August 7th ; in the " Edinburgh Gazette " of August 11th, 1914 ; and in the " Dublin Gazette " of August 11th, 1914.

(c) Printed at pp. 6–8 above.

And whereas it is desirable to extend and amend the said Order in manner hereinafter provided:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Carrying on of Banking Business.

1. An alien enemy shall not carry on or engage in any banking business except with the permission in writing of the Secretary of State, and to such extent and subject to such conditions and supervision as the Secretary of State may direct, and an alien enemy who is or has been carrying on or engaged in banking business shall not, except with the like permission, part with any money or securities in the bank where he is or has been carrying on or engaged in business, and shall, if so required, deposit any such money or securities in such custody as the Secretary of State may direct.

Any constable, if authorized by a superintendent of police, or officer of higher rank, may, for the purpose of enforcing the provisions of this Article, enter, if necessary by force, and search or occupy any premises in which the business of banking is or has been carried on by an alien enemy.

For the purposes of this Article, any person who is a member of a firm or a director of a company carrying on banking business in the United Kingdom shall be deemed to be carrying on banking business.

This Article shall have effect as though it were included and had always been included in the Aliens Restriction Order, 1914.

Amendment of Article 12 of the Aliens Restriction Order, 1914.

2. The power under Article Twelve of the Aliens Restriction Order, 1914, of detaining an alien ordered to be deported under that Order whilst awaiting the departure of his ship, and whilst being conveyed to the ship, and whilst on board the ship, until the ship finally leaves the United Kingdom, extends so as to include a power of detaining, in such manner as the Secretary of State may direct, any alien so ordered to be deported, until he can, in the opinion of the Secretary of State, be conveniently conveyed to and placed on board a ship about to leave the United Kingdom, and he shall whilst so detained be deemed to be in legal custody.

Amendment of Article 3 of the Aliens Restriction Order, 1914.

3. The following Article shall be substituted for Article Three of the Aliens Restriction Order, 1914:—

> *"3. An alien enemy shall not land in the United Kingdom at an approved port without the permission of a Secretary of State."*

4. This Order may be cited as the Aliens Restriction (No. 2) Order, 1914.

Almeric Fitzroy.

THE ALIENS RESTRICTION (No. 3) ORDER, 1914. (**a**)(**b**)

1914. No. 1229.

At the Court at Buckingham Palace, the 12th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Aliens Restriction Order, 1914(**c**) *(hereinafter referred to as the Principal Order), His Majesty was pleased to impose restrictions upon aliens, and to make various provisions for carrying those restrictions into effect :*

And whereas by the Aliens Restriction (No. 2) Order, 1914,(**d**) *His Majesty was pleased to make certain extensions and amendments of the Principal Order :*

And whereas it is desirable further to extend and amend the Principal Order in manner hereinafter provided :

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

Amendments and extensions of the Principal Order.

1.—(1) The list of approved ports in Article one of the Principal Order shall be amended by the omission therefrom of the ports of Greenock and Rosslare, and by the inclusion therein of the ports of Glasgow and Newcastle-upon-Tyne.

(2) In subsection (1) of Article twelve of the Principal Order (which relates to the deportation of aliens) there shall be inserted after the word " leave " the words " and thereafter remain out of."

(3) The following provisions shall be added at the end of Article twenty-two of the Principal Order :—

> *" Provided also that any such permit as aforesaid may, if the registration officer in view of any special circumstances so decides, cover a period exceeding twenty-four hours, but not exceeding four days, from the date of its issue, subject, however, to the condition that the holder thereof shall on each day during the currency of the permit report himself to the registration officer of the district in which he then is, and subject also to any other conditions which may be prescribed by the registration officer granting the permit :*

(**a**) This Order was repealed by the Aliens Restriction (Consolidation) Order, 1914 (printed at pp. 68–85 above) as from September 9th, 1914.

(**b**) This Order was published in the "London Gazette" of August 13th, 1914, being the 2nd Supplement to the Gazette of August 11th ; in the "Edinburgh Gazette" of August 15th, 1914, being a Supplement to the Gazette of August 14th ; and in the "Dublin Gazette" of August 15th, 1914, being a Supplement to the Gazette of August 14th.

(**c**) Printed at pp. 6–8 above.

(**d**) Printed at p. 63 above.

"Provided also that where any such permit is granted to any person with a view to his leaving one registration district and going to reside in another, the permit may, at the end of the period for which it was issued, be delivered to the registration officer of the new district instead of being returned to the registration officer by whom it was granted."

(4) The following additions shall be made to subsection (1) of Article twenty-three of the Principal Order:—

In paragraph (a) *thereof, after the word "explosives" there shall be inserted the words "or material intended to be "used for the manufacture of explosives":*

In paragraph (e) *thereof, after the word "cycle" there shall be inserted the words "motor-boat, yacht";*

At the end of paragraph (f) *thereof there shall be inserted the following additional paragraphs:—*

"(g) *any telephone installation;*

"(h) *any camera or other photographic apparatus;*

"(i) *any military or naval map, chart, or handbook."*

(5) The following subsection shall be added to Article twenty-seven of the Principal Order:—

"The Secretary of State with a view to giving full effect to this Order may direct that passengers on ships entering or leaving any port in the United Kingdom shall be subject to such restrictions, control, and supervision as may appear necessary or expedient, and may impose general conditions as respects ships entering or leaving any such port, and it shall be the duty of all persons to comply with any such direction."

(6) The First Schedule of the Principal Order shall be amended as respects the first column thereof by the omission of the ports of Greenock and Rosslare, and by the inclusion of the ports of Glasgow and Newcastle-upon-Tyne, and as respects the second column thereof by the omission of "Prince's Pier" and "Railway Pier" as applicable to Greenock and Rosslare respectively, and by the insertion of "Meadowside Quay" and "Newcastle Quay" as applicable to Glasgow and Newcastle-upon-Tyne respectively.

(7) In the Second Schedule of the Principal Order, in the list of prohibited areas in Cheshire, Wallasey shall be transferred from the urban districts to the county boroughs, in the list of prohibited areas in Lancashire, Bootle shall be added to the county boroughs, and in the list of prohibited areas in Monmouthshire, Mynyddislwya shall be added to the urban districts.

Short title and construction.

2.—This Order may be cited as the Aliens Restriction (No. 3) Order, 1914, and the Principal Order, the Aliens Restriction (No. 2) Order, and this Order shall be construed together as one Order and may be cited together as the Aliens Restriction Orders, 1914.

Almeric FitzRoy.

THE ALIENS RESTRICTION (No. 4) ORDER, 1914. (a)(b)

1914. No. 1258.

At the Court at Buckingham Palace, the 20th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Aliens Restriction Order, 1914,(c) *His Majesty has been pleased to impose restrictions upon aliens, and to make various provisions for carrying those restrictions into effect:*

And whereas it is desirable to extend the said Orders in manner hereinafter provided:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Restriction on circulation of newspapers amongst alien enemies.

1. The following Article shall be inserted after Article twenty-three of the Aliens Restriction Order, 1914:—

RESTRICTION WITH RESPECT TO NEWSPAPERS.

23a.—(1) The circulation among alien enemies of any newspaper wholly or mainly in the language of a State, or any part of a State, at war with His Majesty, is prohibited, unless the permission in writing of a Secretary of State has been first obtained, and such conditions as may be prescribed by the Secretary of State are complied with.

(2) Any person publishing any newspaper for circulation in contravention of this Order shall be deemed to have acted in contravention of this Order, and where a Secretary of State is satisfied that any newspaper has been, or is about to be, published for circulation in contravention of this Order, he may authorize such persons as he thinks fit to enter, if needs be by force, any premises, and to seize any copies of the newspaper found thereon, and also any type or other plant used or capable of being used for the printing or production of the newspaper, and to deal with any articles so seized in such manner as the Secretary of State may direct.

(3) In this Article, the expression "newspaper" includes periodical.

2. This Order may be cited as the Aliens Restriction (No. 4) Order, 1914, and shall be construed as one with the Aliens Restriction Orders, 1914, and may be cited with those Orders as the Aliens Restriction Orders, 1914.

Almeric FitzRoy.

(a) This Order was repealed by the Aliens Restriction (Consolidation) Order, 1914 (printed at pp. 68–85 above), as from September 9th, 1914.

(b) This Order was published in the "London Gazette" of August 20th, 1914, being a Supplement to the Gazette of August 18th; in the "Edinburgh Gazette" of August 21st, 1914; and in the "Dublin Gazette" of August 21st, 1914.

(c) Printed at pp. 48–63 above.

THE ALIENS RESTRICTION (CONSOLIDATION) ORDER, 1914.(**a**) (**b**)

1914. No. 1374.

At the Court at Buckingham Palace, the 9th day of September, 1914.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas by the Aliens Restriction Act, 1914,(**c**) power is conferred upon His Majesty in time of war or imminent national danger or great emergency by Order in Council to impose restrictions on aliens, and to make such provisions as may be necessary or expedient for carrying such restrictions into effect:

And whereas a state of war at present exists between Great Britain and Germany and also between Great Britain and Austria-Hungary(**d**):

And whereas by Orders in Council dated respectively the fifth,(**e**) tenth,(**f**) twelfth,(**g**) and twentieth(**h**) of August in the present year His Majesty was pleased to make various provisions under the said Act, and it is desirable to consolidate the said Orders in Council, with amendments:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.

RESTRICTIONS ON ALIENS ENTERING AND LEAVING THE UNITED KINGDOM.

Approved Ports and Prohibited Ports.

Definition of approved ports and prohibited ports.

1.—(1) For the purposes of this Order, the following ports are approved ports, that is to say:—

Aberdeen,
Dundee,
Newcastle-upon-Tyne,
West Hartlepool,
Hull,
London,
Folkestone,
Falmouth,
Bristol,
Holyhead,
Liverpool,
Glasgow,
Dublin;

and any other port or place in the United Kingdom is, for the purposes of this Order, a prohibited port.

(**a**) This Order is extended by the Aliens Restriction (Change of Name) Order, 1914, printed in the Supplement at the end of this Manual, which adds a new Article (25A).

(**b**) This Order was published in the "London Gazette" of September 9th, 1914, being the 2nd Supplement to the Gazette of September 8th; in the "Edinburgh Gazette" of September 11th, 1914; and in the "Dublin Gazette" of September 11th, 1914.

(**c**) 4 & 5 Geo. 5 c. 12. This Act is printed at pp. 6–8 above.

(**d**) *See* Notifications of a State of War, printed p. 1 above.

(**e**) Printed at p. 48 below.

(**f**) Printed at p. 63 below.

(**g**) Printed at p. 65 below.

(**h**) Printed at p. 67 below.

(2) For the purposes of this Order the limits of the approved ports shall be those specified in the First Schedule to this Order, and any part of an approved port outside those limits shall be treated as though it were part of a prohibited port.

(3) A Secretary of State may by order, after consulting the Admiralty and the Army Council, add any port to the list of approved ports, or remove any port from that list, and prescribe or alter the limits of any approved port; and this Order shall thereupon have effect accordingly.

Aliens entering the United Kingdom.

Aliens not to land at prohibited ports.

2.—(1) An alien shall not land in the United Kingdom at a prohibited port:

Provided that—

(*a*) where a Secretary of State is satisfied that an alien friend has arrived at a prohibited port in ignorance of the provisions of this Order or in any other circumstances entitling him to special consideration, and may safely be permitted to land, he may grant him permission accordingly; and

(*b*) subject to the provisions of this Order the foregoing prohibition shall not, unless in any particular case an aliens officer so directs, apply to an alien friend who is the master or a member of the crew of a vessel arriving at a prohibited port, if whilst he is on shore he complies with such requirements (if any) as may be imposed upon him or upon masters and seamen generally by an aliens officer at the port;

and any alien friend who lands in accordance with this proviso, and, if conditionally disembarked, who complies with the conditions, shall not be liable to any penalty for landing at the port in question.

Alien enemies not to land without permits.

3. An alien enemy shall not land in the United Kingdom at an approved port without the permission of a Secretary of State.

Powers with respect to aliens landing at approved port.

4. An alien arriving at an approved port may, if a Secretary of State so directs, or if an aliens officer at the port is satisfied that he cannot safely be permitted to land in the United Kingdom, be treated as though the port were a prohibited port.

Detention of aliens arriving in United Kingdom.

5. An alien landing in contravention of this Order, and an alien arriving at any port in circumstances in which he is prohibited from landing, may, until dealt with under this Order, be detained in such manner as a Secretary of State may direct and whilst so detained shall be deemed to be in legal custody.

Aliens not to enter United Kingdom with fire-arms, &c.

6. An alien shall not land at any port in the United Kingdom having in his possession—

(*a*) any firearms or other weapons, ammunition, or explosives;

(*b*) any petroleum spirit, naphtha, benzol, petroleum, or other inflammable liquid in quantities exceeding three gallons;

(*c*) any apparatus or contrivance intended for or capable of being used for signalling apparatus, either visual or otherwise;

(*d*) any carrier or homing pigeons;

(*e*) any motor car, motor cycle, or aircraft; or

(*f*) any cipher code or other means of conducting secret correspondence;

and where an alien lands with any such articles in his possession he shall forfeit the articles and shall be deemed to have imported them in contravention of the provisions of the Customs Consolidation Act, 1876,(**a**) as though the articles in question were contained in the table of prohibitions and restrictions set out in section forty-two of that Act:

Provided that where an aliens officer considers that an alien friend arriving at any port may safely be permitted to land with any such articles as aforesaid in his possession, he may permit him to land accordingly, and the foregoing provisions of this article shall not apply.

Conditional landing.

7. An alien conditionally disembarked under the directions of an aliens officer for the purpose of inquiry or examination shall not for the purposes of this Order be deemed to have landed so long as the conditions are complied with.

Aliens leaving the United Kingdom.

Aliens not to embark at prohibited ports.

8. An alien shall not, except in pursuance of an order of deportation under this Order, embark in the United Kingdom at a prohibited port:

Provided that—

(*a*) where a Secretary of State is satisfied that any alien friend who desires to embark at a prohibited port may safely be permitted to do so, he may grant him permission accordingly; and

(*b*) subject to the provisions of this Order the foregoing prohibition shall not, unless in any particular case an aliens officer so directs, apply to an alien friend who is the master or a member of the crew of a vessel leaving a prohibited port;

and any alien friend who embarks in accordance with this proviso shall not be liable to any penalty for embarking in the United Kingdom at the port in question.

Provision as to alien enemies leaving a port without having landed.

9. Where an alien enemy is about to leave any port on board a vessel on which he has arrived at the port he may for the purposes of this Order, if a Secretary of State so directs or if it appears necessary to an aliens officer in the interests of public safety, be treated as though he had embarked at that port in contravention of this Order, but shall not be subject to any fine or imprisonment for so embarking.

Alien enemies not to embark without permit.

10. An alien enemy shall not, except in pursuance of an order of deportation under this Order, embark in the United Kingdom at an approved port, unless provided with a permit issued by a Secretary of State:

(**a**) 39 & 40 Vict. c. 36.

Provided that an alien enemy about to embark in the United Kingdom at an approved port, even when provided with such permit as aforesaid, may, if a Secretary of State so directs, or if in the opinion of an aliens officer he cannot safely be permitted to embark, be treated as though the port were a prohibited port.

Detention of aliens embarking.

11. An alien embarking or about to embark in the United Kingdom in contravention of this Order may, until dealt with under this Order, be detained in such manner as a Secretary of State may direct, and whilst so detained shall be deemed to be in legal custody.

Deportation of aliens.

12.—(1) A Secretary of State may order the deportation of any alien, and any alien with respect to whom such an order is made shall forthwith leave and thereafter remain out of the United Kingdom.

(2) Where an alien is ordered to be deported under this Order, he may, until he can, in the opinion of the Secretary of State, be conveniently conveyed to and placed on board a ship about to leave the United Kingdom, and whilst being conveyed to the ship, and whilst on board the ship until the ship finally leaves the United Kingdom, be detained in such manner as the Secretary of State directs, and, whilst so detained, shall be deemed to be in legal custody.

Obligations on Masters of Vessels.

Obligations on masters of vessels.

13.—(1) The master of every vessel, whether British or foreign, arriving at or leaving a port in the United Kingdom shall, immediately on the arrival of the vessel at that port, or, as the case may be, not more than twenty-four hours before leaving that port, furnish to an aliens officer at that port, with respect to all persons on board the vessel, or intending to embark on the vessel, such particulars in such manner as the Secretary of State may direct, and shall otherwise take all reasonable steps in his power for securing the enforcement of this Order.

(2) The master of a vessel arriving at or leaving any port shall not permit any persons to land or to embark without the sanction of an aliens officer at the port.

(3) Where a person lands or embarks at any port in contravention of this Order, the master of the vessel from which he lands or on which he embarks shall, unless he proves the contrary, be deemed to have aided and abetted the offence.

Obligation to afford passage to aliens.

14. The master of a ship about to call at any port shall, if so required by a Secretary of State or an aliens officer, receive an alien and his dependants, if any, on board his ship and afford him or them a passage to that port, and proper accommodation and maintenance during the passage, and, if the ship is the same or belongs to the same owners as the ship in which the alien arrived in the United Kingdom, shall, if so required as aforesaid, afford such passage, accommodation, and maintenance free of charge.

Aliens Officers.

Aliens officers.

15.—(1) The following persons, that is to say—

(*a*) any immigration officers appointed under the Aliens Act, 1905; and

(*b*) any persons appointed for the purpose by a Secretary of State;

shall be aliens officers for the purposes of this Order at the various ports in the United Kingdom, and shall in the exercise of their powers act under general or special instructions from the Secretary of State, and, subject to such instructions, shall have power to enter on board any vessel, and to detain and examine all persons arriving at or leaving any port in the United Kingdom, and to require the production of any documents by such persons, and generally to take such steps as are sanctioned by this Order or as may be necessary for giving effect to this Order.

Exceptions.

Part I. not to apply in certain cases.

16. This Part of the Order shall not apply—

(*a*) to prisoners of war; or

(*b*) to children appearing to an aliens officer to be under the age of fourteen.

PART II.

RESTRICTIONS ON ALIENS RESIDING IN THE UNITED KINGDOM.

Residence and Registration of Aliens.

Power to order aliens to reside in certain areas.

17. A Secretary of State may by order require any alien enemy to reside or continue to reside in any place or district specified in the order, and the alien shall comply with the order.

Prohibition on alien enemies residing in prohibited areas.

18.—(1) An alien enemy shall not enter, or reside or continue to reside either temporarily or permanently in, any of the areas specified in the Second Schedule to this Order (in this Order referred to as prohibited areas) unless provided with a permit issued by the registration officer of the district, subject to the general or special instructions of a Secretary of State.

(2) A Secretary of State may by order, after consulting the Admiralty and the Army Council, add any area to the list of prohibited areas in the said Schedule, or remove any area or part of an area from that list; and this Order shall thereupon have effect accordingly.

Registration of aliens.

19.—(1) An alien residing in a prohibited area, and an alien enemy wherever resident, shall comply with the following requirements as to registration:—

(*a*) he shall as soon as may be furnish to the registration officer of the registration district in which he is resident particulars as to the matters set out in the Third Schedule to this Order:

(*b*) he shall, if he is about to change his residence, furnish to the registration officer of the registration district in which he is then resident particulars as to the date on which his residence is to be so changed, and as to his intended place of residence, and on effecting any such change of residence he shall forthwith report himself to the registration officer of the registration district into which he moves:

(*c*) he shall furnish to the registration officer of the registration district in which he is resident particulars of any circumstance affecting in any manner the accuracy of the particulars previously furnished by him for the purpose of registration within forty-eight hours after the circumstance has occurred.

(2) Where an alien is lodging with or living as a member of the household of any other person, it shall be the duty of that person either himself to furnish with respect to the alien the particulars aforesaid, or to give notice of the presence of the alien in his household to the registration officer.

(3) Where an alien has a household he shall furnish the particulars as aforesaid not only as respects himself, but as respects every alien who is living as a member of his household.

Register of aliens.

20.—(1) For the purposes of this Order, the chief officer of police of the police district shall be the registration officer, and the police district shall be the registration district:

Provided that where a prohibited area includes the whole or part of more than one police district, arrangements may be made by a Secretary of State for constituting that prohibited area a single registration district, and for the appointment of a registration officer for that district.

(2) A registration officer shall—

(*a*) keep for his registration district a register for the purposes of this Act(**a**);

(*b*) register therein all aliens resident in his district who furnish particulars for the purpose, by entering these particulars on the register;

(*c*) enter on the register all other particulars furnished in accordance with this Order with respect to any alien so registered; and

(*d*) if a registered alien ceases to be resident in his district, record the fact in the register.

(3) The obligation of a registration officer to enter particulars upon the register shall not be affected by the fact that the particulars may not have been furnished within the time required by this Order, without prejudice, however, to the liability of an alien to a penalty for not furnishing the particulars within the required time.

(4) Every alien shall furnish to the registration officer, in addition to any such particulars as aforesaid, any information which may reasonably be required for the purpose of registering the alien, or maintaining the correctness of the particulars entered on the register.

Prohibition on alien enemies travelling more than five miles from registered address.

21. An alien enemy shall not travel more than five miles from his registered place of residence unless furnished with a permit from the registration officer of the registration district in which

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(**a**) The Aliens Restriction (Change of Name) Order, 1914, of October 8th, printed in the Supplement at the end of this Manual substitutes the word "Order" for "Act."

that place of residence is situate, which permit shall not cover a period exceeding twenty-four hours from the date of its issue and shall be returned to the registration officer at the end of the period for which it was issued:

Provided that—

(*a*) any such permit may, if the registration officer in view of any special circumstances so decides, cover a period exceeding twenty-four hours, but not exceeding four days, from the date of its issue, subject, however, to the condition that the holder thereof shall on each day during the currency of the permit report himself to the registration officer of the district in which he then is, and subject also to any other conditions which may be prescribed by the registration officer granting the permit; and

(*b*) where any such permit is granted to any person with a view to his leaving one registration district and going to reside in another, the permit may, at the end of the period for which it was issued, be delivered to the registration officer of the new district instead of being returned to the registration officer by whom it was granted; and

(*c*) in the case of an alien enemy having a *bonâ fide* place of business more than five miles from his registered place of residence the registration officer may, if he thinks fit, grant a permit enabling him to travel to or from his place of business, which shall be renewable from time to time as and when the registration officer so directs.

Possession of Firearms, &c., by Alien Enemies.

Prohibition on alien enemies having firearms, &c. in their possession.

22.—(1) An alien enemy shall not, except with the written permission of the registration officer of the district in which he resides, be in possession of—

(*a*) any firearms or other weapons, ammunition or explosives, or material intended to be used for the manufacture of explosives;

(*b*) any petroleum spirit, naphtha, benzol, petroleum, or other inflammable liquid in quantities exceeding three gallons;

(*c*) any apparatus or contrivance intended for, or capable of being used for, a signalling apparatus, either visual or otherwise;

(*d*) any carrier or homing pigeons;

(*e*) any motor car, motor cycle, motor boat, yacht, or aircraft; or

(*f*) any cipher code or other means of conducting secret correspondence;

(*g*) any telephone installation:

(*h*) any camera or other photographic apparatus;

(*i*) any military or naval map, chart, or handbook.

(2) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting any contravention of the foregoing provision, he may grant a search warrant authorising any constable named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any article which is being kept in the premises or place in contravention of this Article.

Where it appears to a superintendent or inspector of police, or any police officer of higher rank, that the case is one of great emergency, and that in the interests of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this Article.

Restriction on Circulation of Newspapers.

Restriction on circulation of newspapers amongst alien enemies.

23.—(1) The circulation among alien enemies of any newspaper wholly or mainly in the language of a State, or any part of a State, at war with His Majesty, is prohibited, unless the permission in writing of a Secretary of State has been first obtained, and such conditions as may be prescribed by the Secretary of State are complied with.

(2) Any person publishing any newspaper for circulation in contravention of this Order shall be deemed to have acted in contravention of this Order, and where a Secretary of State is satisfied that any newspaper has been, or is about to be, published for circulation in contravention of this Order, he may authorize such persons as he thinks fit to enter, if needs be by force, any premises, and to seize any copies of the newspaper found thereon, and also any type or other plant used or capable of being used for printing or production of the newspaper, and to deal with any articles so seized in such manner as the Secretary of State may direct.

(3) In this Article, the expression "newspaper" includes periodical.

Carrying on of Banking Business.

Restrictions with respect to banking.

24.—(1) An alien enemy shall not carry on or engage in any banking business except with the permission in writing of the Secretary of State, and to such extent and subject to such conditions and supervision as the Secretary of State may direct, and an alien enemy who is or has been carrying on or engaged in banking business shall not, except with the like permission, part with any money or securities in the bank where he is or has been carrying on or engaged in business, and shall, if so required, deposit any such money or securities in such custody as the Secretary of State may direct.

(2) Any constable, if authorized by a superintendent of police, or officer of higher rank, may, for the purpose of enforcing the provisions of this Article, enter, if necessary by force, and search or occupy any premises in which the business of banking is or has been carried on by an alien enemy.

(3) For the purposes of this Article, any person who is a member of a firm or a director of a company carrying on banking business in the United Kingdom shall be deemed to be carrying on banking business.

Provisions as to Clubs frequented by Alien Enemies.

Power to close clubs.

25.—(1) A chief officer of police, if so authorised by general or special order of the Secretary of State, may direct that any premises within his jurisdiction which, in his opinion, are used for the purposes of a club which is habitually frequented by alien enemies, shall be kept closed, either altogether or during such hours as may be required by him; and where any such direction is given in respect of any premises, no alien enemy shall enter or be on the premises at any time when the premises are directed to be closed.

(2) Any constable, if authorised by the chief officer of police, may, for the purpose of enforcing the provisions of this Article, enter, if necessary by force, and search or occupy any premises to which an order under this Article relates.

PART III.

GENERAL.

Penalty.

26. If any person acts in contravention of or fails to comply with any provisions of this Order, he is liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months, and the court before which he is convicted may, either in addition to or in lieu of any such punishment, require that person to enter into recognizances with or without sureties to comply with the provisions of this Order or such provisions thereof as the court may direct.

If any person fails to comply with an order of the court requiring him to enter into recognizances the court or any court of summary jurisdiction sitting for the same place may order him to be imprisoned with or without hard labour for any term not exceeding six months.

Disobedience to aliens officers and other offences.

27.—(1) If any alien, master of a ship, or other person arriving at or leaving any port lands or embarks without the permission of an aliens officer, or refuses to answer any question reasonably put to him by an aliens officer, or makes or causes to be made any false return, false statement, or false representation to an aliens officer, or refuses to produce any document in his possession which he is required by an aliens officer to produce, or obstructs or impedes an aliens officer in the exercise of his powers or duties under the Order, he shall be deemed to have acted in contravention of this Order.

(2) If any person furnishes or causes to be furnished to a registration officer any false particulars, or, with a view to obtaining any permit or permission under this Order, makes or causes to be made any false statement or false representation, he shall be deemed to have acted in contravention of this Order.

28. If any person aids or abets any person in any contravention of this Order, or knowingly harbours any person whom he knows or has reasonable ground for supposing to have acted in contravention of this Order, he shall be deemed himself to have acted in contravention of this Order. Persons aiding and abetting.

29. Any person who acts in contravention of this Order, or is reasonably suspected of having so acted, or being about so to act, may be taken into custody without warrant by an aliens officer or by any constable. Arrest.

30.—(1) A Secretary of State may, if he thinks it necessary in the interests of public safety, direct that any of the provisions of this Order as to alien enemies shall in particular cases be applicable to other aliens, and thereupon such provisions shall apply accordingly. Additional powers of Secretary of State.

(2) A Secretary of State may, if he thinks fit, direct that any powers or duties assigned under this Order to aliens officers or to registration officers shall be discharged by other persons deputed by the Secretary of State for the purpose.

(3) The Secretary of State, with a view to giving full effect to this Order, may direct that passengers on ships entering or leaving any port in the United Kingdom shall be subject to such restrictions, control, and supervision as may appear necessary or expedient, and may impose general conditions as respects ships entering or leaving any such port, and it shall be the duty of all persons to comply with any such direction.

31. For the purposes of this Order— Interpretation.

The expression "police district" means any district for which there is a separate police force; and the expression "chief officer of police" means the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police force of the district;

The expression "alien friend" means an alien whose sovereign or State is at peace with His Majesty, and the expression "alien enemy" means an alien whose sovereign or State is at war with His Majesty; and

References to landing or embarking shall, unless the context otherwise implies, be deemed to include references to attempting to land or attempting to embark respectively.

32.—(1) In the application of this Order to Scotland— Application to Scotland and Ireland.

The expressions "the court" and "any court of summary jurisdiction" mean the sheriff;

The expressions "enter into recognisances with or without sureties" and "enter into recognisances" mean "find caution."

(2) In the application of this Order to Ireland—

The expression "police district" means the police district of Dublin metropolis and any county or other area for which a county inspector of the Royal Irish Constabulary or officer having the rank of such county inspector is appointed, and the expression "chief officer of police" means, as respects the police district of Dublin metropolis, the Chief Commissioner of the Dublin Metropolitan Police and as respects any other police district the county inspector of the Royal Irish Constabularly or officer having the rank of such county inspector as the case may be.

The expression "superintendent of police" includes in the case of the Royal Irish Constabularly a sergeant and any officer of higher rank.

Order not to apply to ambassadors, &c.

33. Nothing in this Order shall be construed as imposing any restriction or disability on any foreign ambassador or other public minister duly authorised, or any servants in actual attendance upon any such ambassador or public minister.

Short title, construction, and revocation.

34.—(1) This Order may be cited as the Aliens Restriction (Consolidation) Order, 1914.

(2) The Interpretation Act, 1889,(**a**) shall apply for the purpose of the interpretation of this Order in like manner as it applies for the purpose of the interpretation of an Act of Parliament.

(3) The said Orders in Council of the fifth, tenth, twelfth, and twentieth of August, imposing restrictions on aliens, are hereby revoked:

Provided that the revocation of any such Order shall not—

(*a*) affect the previous operation of any Order so revoked or anything duly done or suffered under any Order so revoked; or

(*b*) affect any right, privilege, obligation, or liability acquired accrued or incurred under any Order so revoked; or

(*c*) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Order so revoked; or

(*d*) affect any proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid,

and any permission or direction given, or order or requirement made, or other action taken under any Order so revoked shall be deemed to have been given, made, or taken under the corresponding provision of this Order.

Almeric FitzRoy.

(**a**) 52 & 53 Vict. c. 63.

Schedules

FIRST SCHEDULE.

LIMITS OF APPROVED PORTS.

Approved Port.	Parts included within Limits of Port.
Aberdeen	North of Scotland and Orkney and Shetland Steam Navigation wharf, outside the lock of Victoria Dock.
Dundee	Camperdown jetty.
Newcastle-upon-Tyne	Newcastle quay.
West Hartlepool	Central dock.
Hull	Riverside quay.
London	Tilbury docks and pontoon.
Folkestone	Railway pier.
Falmouth	Outer arm of harbour pier.
Bristol	Landing stage, Avonmouth docks.
Holyhead	London and North-Western Railway quay, east side.
Liverpool	Landing stage.
Glasgow	Meadowside quay.
Dublin	North wall and Kingstown Pier.

SECOND SCHEDULE.

PROHIBITED AREAS.

The following areas are prohibited areas in England:—

CHESHIRE.

County Boroughs.—Birkenhead: Chester: Wallasey.

Urban Districts.—Bromborough: Ellesmere Port and Whitby: Higher Bebington: Hoole: Hoylake and West Kirby: Lower Bebington: Neston and Parkgate: Runcorn.

Rural Districts.—Chester (Civil Parishes of—Bache, Backford, Blacom cum Crabwall, Bridge Trafford, Capenhurst, Caughall, Chorlton by Backford, Croughton, Dunham-on-the-Hill, Elton, Great Saughall, Hapsford, Hoole Village, Ince, Lea by Backford, Little Saughall, Little Stanney, Mickle Trafford, Mollington, Moston, Newton-by-Chester, Picton, Shotwick, Shotwick Park, Stoke, Thornton-le-Moors, Upton-by-Chester, Wervin, Wimbolds Trafford, and Woodbank only): Runcorn (Civil Parishes of—Acton Grange, Antrobus, Appleton, Bartington, Crowley, Daresbury, Dutton, Grappenhall, Great Budworth, Hatton, Higher Whitley, Keckwick, Latchford Without, Lower Whitley, Moore, Newton-by-Daresbury, Preston-on-the-Hill, Seven Oaks, Stockton Heath, Stretton, Thelwall, Walton Inferior, Walton Superior, Aston-by-Sutton, Aston Grange, Clifton, Halton, Norton, Sutton, and Weston only): Wirral.

CORNWALL.

Municipal Boroughs.—Falmouth: Helston: Penryn: Penzance: St. Ives: Saltash: Truro.

Urban Districts.—Camborne: Hayle: Ludgvan: Madron: Paul: Phillack: Redruth: St. Just: Torpoint.

Rural Districts.—East Kerrier: Helston: Redruth: St. Germans: Truro: West Penwith.

DEVONSHIRE.

County Boroughs.—Devonport: Plymouth.

Urban Districts.—East Stonehouse: Ivybridge.

Rural Districts.—Plympton St. Mary: Tavistock (Civil Parish of Bere Ferrers only).

DORSETSHIRE.

Municipal Boroughs.—Dorchester: Poole: Weymouth and Melcombe Regis.

Urban Districts.—Portland: Swanage.

Rural Districts.—Dorchester: Poole: Wareham and Porbeck: Weymouth.

DURHAM.

County Boroughs.—Gateshead: South Shields: Sunderland: West Hartlepool.

Municipal Boroughs.—Durham: Hartlepool: Jarrow: Stockton-on-Tees.

Urban Districts.—Annfield Plain: Benfieldside: Blaydon: Brandon and Byshottles: Chester-le-Street: Consett: Felling: Hebburn: Hetton: Houghton-le-Spring: Leadgate: Ryton: Seaham Harbour: Southwick-on-Wear: Spennymoor: Stanley: Tanfield: Tow Law: Whickham: Willington.

Rural Districts.—Chester-le-Street: Durham: Easington: Hartlepool: Houghton-le-Spring: Lanchester: Sedgefield: South Shields: Stockton: Sunderland.

ESSEX.

Municipal Boroughs.—Chelmsford: Colchester: Harwich: Maldon: Southend-on-Sea.

Urban Districts.—Brentwood: Brightlingsea: Burnham-on-Crouch: Clacton: Frinton-on-Sea: Grays Thurrock: Leigh-on-Sea: Shoeburyness: Tilbury: Walton-on-the-Naze: Witham: Wivenhoe.

Rural Districts.—Billericay: Braintree—(Civil Parishes of—Feering, Great Coggeshall, Kelvedon, Little Coggeshall, Markshall, Rivenhall, Fairsted, Faulkbourne, Hatfield Peverel, and Terling only); Chelmsford: Lexden: Maldon: Orsett, Rochford: Tendring.

GLOUCESTERSHIRE.

County Borough.—Bristol.

Urban Districts.—Coleford: Kingswood.

Rural Districts.—Chipping Sodbury: Lydbury: Thornbury: Warmley: West Dean.

HAMPSHIRE.

County Boroughs.—Bournemouth: Portsmouth: Southampton.

Municipal Boroughs.—Christchurch: Lymington: Romsey.

Urban Districts.—Eastleigh and Bishopstoke: Fareham: Gosport and Alverstoke: Havant: Itchen: Warblington.

Rural Districts.—Christchurch: Fareham: Havant: Lymington: New Forest: Romsey: South Stoneham.

ISLE OF WIGHT.

Municipal Boroughs.—Newport: Ryde.

Urban Districts.—Cowes: East Cowes: St. Helens: Sandown: Shanklin: Ventnor.

Rural District.—Isle of Wight.

Kent.

County Borough.—Canterbury.

Municipal Boroughs.—Chatham: Deal: Dover: Faversham: Folkestone: Gillingham: Gravesend: Hythe: Lydd: Maidstone: Margate: New Romney: Queenborough: Ramsgate: Rochester: Sandwich.

Urban Districts.—Ashford: Broadstairs and St. Peter's: Cheriton: Herne Bay: Milton Regis: Northfleet: Sandgate: Sheerness: Sittingbourne: Walmer: Whitstable: Wrotham.

Rural Districts.—Blean: Bridge: Dover: East Ashford: Eastry: Elham: Faversham: Hollingbourne: Hoo: Isle of Thanet: Maidstone: Malling: Milton: Romney Marsh: Sheppey: Strood: West Ashford.

Lancashire.

County Boroughs.—Barrow-in-Furness: Blackpool: Bootle: Liverpool: St. Helens: Southport.

Municipal Boroughs.—Lancaster: Morecambe: Widnes.

Urban Districts.—Allerton: Birkdale: Carnforth: Childwall: Dalton-in-Furness: Fleetwood: Formby: Grange: Great Crosby: Heysham: Huyton-with-Roby: Kirkham: Lathom and Burscough: Litherland: Little Crosby: Little Woolton: Lytham: Much Woolton: Ormskirk: Poulton-le-Fylde: Preesall: Prescot: Rainford: Saint Annes-on-the Sea: Skelmersdale: Thornton: Ulverton: Waterloo with Seaforth.

Rural Districts.—Fylde: Garstang: Lancaster: Lunesdale: Sefton: Ulverton: West Lancashire: Whiston.

Lincolnshire.

County Borough.—Grimsby.

Municipal Borough.—Louth.

Urban Districts.—Alford: Barton-upon-Humber: Brigg: Broughton: Brumby and Frodingham: Cleethorpe with Thrunscoe: Mablethorpe: Market Rasen: Roxby cum Risby: Scunthorpe: Skegness: Winterton.

Rural Districts.—Caistor: Glanford Brigg: Grimsby: Louth: Spilsby.

Monmouthshire.

The whole county.

Norfolk.

County Boroughs.—Gt. Yarmouth: Norwich.

Urban Districts.—Cromer: North Walsham: Sheringham.

Rural Districts.—Aylsham: Blofield: East and West Flegg: Erpingham: Loddon and Clavering: Smallburgh.

Northumberland.

County Boroughs.—Newcastle-upon-Tyne: Tynemouth.

Municipal Boroughs.—Morpeth: Wallsend.

Urban Districts.—Amble: Ashington: Bedlingtonshire: Blyth: Cramlington: Earsdon: Gosforth: Longbenton: Newbiggin-by-the-Sea: Newburn: Prudhoe: Seaton Delaval: Seghill: Weetslade: Whitley and Monkseaton: Willington Quay.

Rural Districts.—Alnwick—(Civil Parishes of—Gloster Hill, Greens and Glantlees, Guyzance, Hauxley, Hazon and Hartlaw, High Buston, Leebury, Low Buston, Morwick, Newton on the Moor, Shilbottle, Sturton Grange, Swarland, Togston, Walkmill, Warkworth, Whittle, and Woodhouse only): Castle Ward: Hexham—(Civil Parishes of—Bearl, Broomhaugh, Broomley, Bywell, Dukershagg, Espershields, Healey, Hedley, High Fotherley, Horsley, Nafferton, Newlands, Newton, Newton Hall, Ovingham, Ovington, Riding, Shotley High Quarter, Shotley Low Quarter, Spital, Stelling, Styford, Welton Whittle, Whittonstall, and Wylam only): Morpeth.

SOMERSET.

Urban Districts.—Burnham: Clevedon: Highbridge: Portishead: Weston-super-Mare.

Rural Districts.—Axbridge: Clutton (except the Parishes of Chilcompton, Farrington Gurney, and Stone Easton): Keynsham: Long Ashton.

SUFFOLK.

County Borough.—Ipswich.

Municipal Boroughs.—Aldeburgh: Beccles: Lowestoft: Southwold.

Urban Districts.—Bungay: Felixstowe and Walton: Halesworth: Leiston-cum-Sizewell: Saxmundham: Woodbridge.

Rural Districts.—Plomesgate: Samford: Woodbridge.

SUSSEX.

County Boroughs.—Brighton: Eastbourne.

Municipal Boroughs.—Hove: Lewes.

Urban Districts.—Newhaven: Portslade-by-Sea: Seaford.

Rural Districts.—Chailey: Eastbourne: Hailsham—(Civil Parishes of—Arlington, Chalvington, Chiddingly, Hailsham, Hellingly, Laughton, Ripe only): Newhaven: Steyning East: Westbourne: West Hampnett—(Civil Parishes of—Appledram, Birdham, Donnington, Earnley, East Wittering, Hunston, Merston, New Fishbourne, North Mundham, Oving, Selsey, Sidlesham, West Itchenor, and West Wittering only).

YORKSHIRE.

County Boroughs.—Kingston-upon-Hull: Middlesborough.

Municipal Boroughs.—Beverley: Bridlington: Hedon: Scarborough: Thornaby-on-Tees.

Urban Districts.—Cottingham: Eston: Filey: Great Driffield: Guisborough: Hessle: Hinderwell: Hornsea: Loftus: Malton: Norton: Pickering: Redcar: Saltburn-by-the-Sea: Skelton and Brotton: South Bank in Normanby: Whitby: Withernsea.

Rural Districts.—Beverley: Bridlington: Driffield: Guisborough: Kirby Moorside: Malton: Middlesborough: Norton: Patrington: Pickering: Scarborough: Sculcoates: Sherburn: Skirlaugh: Stokesley: Whitby.

The following areas are prohibited in Wales:—

GLAMORGANSHIRE.

The whole county.

PEMBROKESHIRE.

Municipal Boroughs.—Haverfordwest: Pembroke: Tenby.

Urban Districts.—Fishguard: Milford Haven: Neyland.

Rural Districts.—Haverfordwest: Narberth: Pembroke.

The following areas are prohibited areas in Scotland:—

ABERDEENSHIRE.

Parishes.—Aberdour: Belhelvie: Crimond: Cruden: Drumoak: Dyce: Echt: Ellon: Fintray: Foveran: Fraserburgh: Kinellar: Logie Buchan: Longside: Lonmay: Methlick: New Deer: Newhills: New Machar: Old Deer: Old Machar: Peter Culter: Peterhead: Pitsligo: Rathen: St. Nicholas: St. Fergus: Skene: Slains: Strichen: Tarves: Tyrie: Udny.

ARGYLLSHIRE.

Parishes.—Campbeltown: Dunoon and Kilmun: Inverchaolain: Kilcalmonell; Kilfinan: Killean and Kilchenzie: Kilmodan: Lochgoilhead: Saddel and Skipness: Southend: Strachur: Stralachlan.

AYRSHIRE.

Parishes.—Ardrossan: Ayr: Beith: Coylton: Craigie: Dalry: Dalrymple: Dreghorn: Dundonald: Dunlop: Fenwick: Irvine: Kilbirnie: Kilbride, West: Kilmarnock: Kilmaurs: Kilwinning: Largs: Mauchline: Maybole: Monkton and Prestwick: Ochiltree: Riccarton: Stair: Stevenston: Stewarton: Symington: Tarbolton.

BUTESHIRE.

The whole county.

CAITHNESS-SHIRE.

The whole county.

DUMBARTONSHIRE.

Parishes.—Arrochar: Bonhill: Cardross: Dumbarton: Kilmarnock: Kilpatrick, New: Kilpatrick, Old: Luss: Roseneath: Row.

EDINBURGHSHIRE (MID-LOTHIAN).

Parishes.—Borthwick: Calder, Mid.: Calder, West: Carrington: Cockpen: Colinton: Corstorphine: Cramond: Cranston: Crichton: Currie: Dalkeith: Edinburgh: Fala: Glencorse: Inveresk: Kirknewton: Lasswade: Leith: Liberton: Newbattle: Newton: Penicuik: Ratho: Temple.

ELGINSHIRE.

Parishes.—Alves: Bellie: Birnie: Dallas: Drainie: Duffus: Dyke and Moy: Edinkillie: Elgin: Forres: Kinloss: New Spynie: Rafford: Rothes: St. Andrews Lhanbryd: Speymouth: Urquhart.

FIFESHIRE.

Parishes.—Abdie: Aberdour: Anstruther Easter: Anstruther Wester: Auchterderran: Auchtermuchty: Auchtertool: Ballingry: Balmerino: Beath: Burntisland: Cameron: Carnbee: Carnock-Ceres: Collessie: Crail: Creich: Culross: Cults: Cupar: Dairsie: Dalgety: Dunino: Dunbog: Dunfermline: Elie: Falkland: Ferry-Port-on-Craig: Flisk: Forgan: Inverkeithing: Kemback: Kennoway: Kettle: Kilconquhar: Kilmany: Kilrenny: Kinghorn: Kinglossie: Kingsbarns: Kirkcaldy and Dysart: Largo: Lesie: Leuchars: Logie: Markinch: Monimail: Moonzie: Newburgh: Newburn: Pittenweem: St. Andrews and St. Leonards: St. Monans: Saline: Scoonie: Strathmiglo: Torryburn: Tulliallan: Wemyss.

FORFARSHIRE.

Parishes.—Arbirlot: Arbroath and St. Vigean: Auchterhouse: Barry: Brechin: Carmylie: Craig: Dun: Dundee Combination: Dunnichen: Eassie and Nevay: Farnell: Forfar: Fowlis Easter: Glamis: Guthrie: Inverarity: Inverkeilor: Kettins: Kinnell: Kinnettles: Kirkden: Liff and Benvie: Logie Pert: Lunan: Lundie: Mains and Strathmartine: Maryton: Monifieth: Monikie: Montrose: Murroes: Newtyle: Panbride: Tealing.

HADDINGTONSHIRE.

The whole county.

INVERNESS-SHIRE.

Parishes.—Ardesier: Croy: Daviot: Dores: Inverness: Kirkhill: Moy and Dalarossie: Petty.

KINROSS.

Parishes.—Cleish: Fossoway: Kinross: Orwell: Portmoak.

LINLITHGOWSHIRE (WEST LOTHIAN).

The whole county.

NAIRNSHIRE.

The whole county.

ORKNEY.

The whole county.

PERTHSHIRE.

Parishes.—Abernyte: Errol: Inchture: Longforgan.

RENFREWSHIRE.

Parishes.—Erskine: Greenock: Houston: Inchinnan: Inverkip: Kilbarchan: Kilmacolm: Lochwinnoch: Port Glasgow.

ROSS AND CROMARTY.

Parishes.—Alnes: Avoch: Cromarty: Dingwall: Edderton: Fearn: Killearnan: Kilmuir-Easter: Kiltearn: Knockbain: Logie Easter: Nigg: Resolis: Rosemarkie: Rosskeen: Tain: Tarbat: Urquhart.

STIRLINGSHIRE.

Parishes.—Airth: Buchanan: Grangemouth: Muiravonside.

SUTHERLANDSHIRE.

The whole county.

ZETLAND.

The whole county.

The following areas are prohibited areas in Ireland:—

ANTRIM.

County Borough.—Belfast.

Urban Districts.—Ballyclare: Ballymena: Carrickfergus: Larne: Lisburn.

Rural Districts.—Antrim: Ballymena: Belfast: Larne: Lisburn.

CORK.

County Borough.—Cork.

Urban Districts.—Midleton: Queenstown: Youghal.

Rural Districts.—Bandon: Cork: Kinsale: Midleton: Youghal, No. 1.

DONEGAL.

Rural Districts.—Inishowen: Millord: Londonderry No. 2.

DOWN.

Urban Districts.—Bangor: Donaghadee: Holywood: Newtown Ards.
Rural Districts.—Castlereagh: Downpatrick: Hilsborough: Newton Ards.

DUBLIN.

The whole county.

LONDONDERRY.

County Borough.—Londonderry.
Rural District.—Londonderry ("North West Liberties" only).

WATERFORD.

Rural District.—Youghal No. 2.

THIRD SCHEDULE.

MATTERS IN RESPECT OF WHICH PARTICULARS ARE TO BE FURNISHED.

Name ... ...
Nationality and birth-place ...
Occupation ... ...
Sex ... ...
Age ... ...
Personal description and, if so required, a photograph of the alien.
Descriptive mark (if any) ... ...
Finger prints, if so required ...
Place of residence (including nature of tenure or occupancy) ... ...
Place of business (if any) ... ...
Date of commencement of residence
Whether the alien has been or is in the service of any foreign government, and, if so, for how long and in what capacity.

Note.—If the alien has a household, he must furnish the particulars aforesaid not only as respects himself, but also as respects every alien who is living as a member of his household.

ARMY, ARMY RESERVE, AND TERRITORIAL FORCE.

1. Continuation of Soldiers in Active Service; Calling out of Army Reserve; Embodiment of Territorial Force.

Proclamation, dated August 4, 1914, under the Army Act, Continuing Soldiers in Army Service.(a)

1914. No. 1173.

By the King.

A Proclamation for Continuing Soldiers in Army Service.

George R.I.

Whereas by the Army Act(b) it is, amongst other things, enacted that it shall be lawful for Us in case of imminent national danger or of great emergency by Proclamation, the occasion being first communicated to Parliament, to direct from time to time that all or any persons who would otherwise be entitled in pursuance of the terms of their enlistment to be transferred to the Reserve shall continue in Army Service, and such persons shall accordingly continue in Army Service for the same period for which they might be required to serve if they had been transferred to the Reserve and called out for permanent service by a Proclamation issued by Us under the enactments relating to the Reserve:

And whereas the present state of Public Affairs and the extent of the demands on Our Military Forces for the protection of the interests of the Empire do in Our opinion constitute a case of great emergency within the meaning of the said Act and We have communicated the same to Parliament:

Now, therefore, We do in pursuance of the said Act hereby direct that all soldiers who on or after this date would otherwise be entitled in pursuance of the terms of their enlistment to be transferred to the Reserve shall continue in Army service until legally discharged or transferred to the Army Reserve:

And We do hereby direct the Right Honourable Herbert Henry Asquith, one of Our Principal Secretaries of State, to give all necessary directions herein accordingly.

Given at Our Court at Buckingham Palace, this Fourth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

(a) This Proclamation was published in the "London Gazette" of August 4th, 1914, being the 5th Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 5th, being the 1st Supplement to the Gazette of August 4th; and in the "Dublin Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th.

(b) The Army Act (44 & 45 Vict. c. 58) has been repeatedly amended and has in accordance with s. 8 (2) of the Army Annual Act, 1885 (48 & 49 Vict. c. 8), been printed with the amendments made down to the passing of the Army (Annual) Act, 1914 (4 & 5 Geo. 5. c. 2), and such print has been put on sale.

PROCLAMATION, DATED AUGUST 4, 1914, UNDER THE RESERVE FORCES ACT, 1882 (45 & 46 VICT. c. 48), CALLING OUT THE ARMY RESERVE, AND EMBODYING THE TERRITORIAL FORCE.(**a**)

1914. No. 1174.

BY THE KING.

A Proclamation for Calling out the Army Reserve, and Embodying the Territorial Force.

George R.I.

Whereas by the Reserve Forces Act, 1882,(**b**) it is, amongst other things, enacted that in case of imminent national danger or of great emergency it shall be lawful for Us by Proclamation, the occasion having first been communicated to Parliament, to order that the Army Reserve shall be called out on permanent service; and by any such Proclamation to order a Secretary of State from time to time to give and when given to revoke or vary such directions as may seem necessary or proper for calling out the forces or force mentioned in the Proclamation or all or any of the men belonging thereto:

And whereas the present state of public affairs and the extent of the demands on Our Military Forces for the protection of the interests of the Empire do in Our opinion constitute a case of great emergency within the meaning of the said Act and We have communicated the same to Parliament:

And whereas by the Territorial and Reserve Forces Act, 1907,(**c**) it is, amongst other things, enacted that immediately upon and by virtue of the issue of a Proclamation ordering the Army Reserve to be called out on permanent service, it shall be lawful for Us to order Our Army Council from time to time to give and, when given, to revoke or vary such directions as may seem necessary or proper for embodying all or any part of the Territorial Force, and in particular to make such special arrangements as they think proper with regard to units or individuals whose services may be required in other than a Military capacity:

Now, therefore, We do in pursuance of the Reserve Forces Act, 1882, hereby order that Our Army Reserve be called out on permanent service, and We do hereby order the Right Honourable Herbert Henry Asquith, one of Our Principal Secretaries of State, from time to time to give and, when given, to revoke or vary such directions as may seem necessary or proper for calling out Our Army Reserve or all or any of the men belonging thereto:

And We do hereby further order Our Army Council from time to time to give and, when given, to revoke or vary such directions as may seem necessary or proper for embodying all or any part of the Territorial Force, and in particular to make such special

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(**a**) This Proclamation was published in the "London Gazette" of August 4th, 1914, being the 5th Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 5th, 1914, being the 1st Supplement to the Gazette of August 4th; and in the "Dublin Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th.

(**b**) 45 & 46 Vict. c. 48.

(**c**) 7 Edw. 7. c. 9.

arrangements as they think proper with regard to units or individuals whose services may be required in other than a Military capacity.

Given at Our Court at Buckingham Palace, this Fourth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

2. Billeting.

AN ORDER AUTHORIZING GENERAL OR FIELD OFFICERS TO ISSUE BILLETING REQUISITIONS.(**a**)

(Under the Army Act, Section 108A.)

George R.I.

Whereas by Section 108A of the Army Act(**b**) it is amongst other things enacted that where directions have been given for embodying all or any part of the Territorial Force it shall be lawful for His Majesty by Order distinctly stating that a case of emergency exists and signified by a Secretary of State to authorize any General or Field Officer Commanding any part of His Majesty's Forces in any military district or place in the United Kingdom to issue a billeting requisition under his hand requiring chief officers of police to provide billets in such places and for such number of officers and soldiers and their horses and for such period as may be specified in the requisition in accordance with the provisions of the said Section:

And whereas directions have been given for embodying all of the Territorial Force:

And whereas a case of emergency exists within the meaning of the said Act:

Now, therefore, His Majesty, in pursuance of the said Act, is pleased to order and authorize any General or Field Officer Commanding any part of His Majesty's Forces in any military district or place in the United Kingdom to issue billeting requisitions under the said Act.

The Fourth day of August, 1914.

H. H. Asquith.

By the Lord Lieutenant-General and General Governor of Ireland.

Aberdeen.

AN ORDER AUTHORISING GENERAL OR FIELD OFFICERS IN IRELAND TO ISSUE BILLETING REQUISITIONS.(**c**)

(Under the Army Act, Section 108A.)

Whereas by Section 108A of the Army Act(**b**) it is amongst other things enacted that where directions have been given for embodying all or any part of the Territorial Force it shall be lawful

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(**a**) This Order was published in the "London Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" August 6th, 1914, being the 2nd Supplement to the Gazette of August 4th: and in the "Dublin Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th.

(**b**) As to the Army Act, *see* footnote (**b**), p. 86.

(**c**) This Order was published in the "Dublin Gazette" of August 4th, 1914, being a supplement to the Gazette of the same date.

for His Excellency the Lord Lieutenant of Ireland, by Order distinctly stating that a case of emergency exists, and signified by the Chief Secretary or Under Secretary for Ireland to authorise any General or Field Officer Commanding any part of His Majesty's Forces in any military district or place in Ireland to issue a billeting requisition under his hand, requiring chief officers of police to provide billets in such places in Ireland, and for such number of officers and soldiers and their horses, and for such period as may be specified in the requisition, in accordance with the provisions of the said Section:

And whereas directions have been given for embodying all of the Territorial Force:

And whereas a case of emergency exists within the meaning of the said Act:

Now, therefore, We, the Lord Lieutenant of Ireland, in pursuance of the said Act, are hereby pleased to order and authorise any General or Field Officer Commanding any part of His Majesty's Forces in any military district or place in Ireland to issue billeting requisitions under the said Act.

Given at His Majesty's Castle of Dublin, this 4th day of August, 1914.

By His Excellency's Command,

J. B. Dougherty.

ARMY ORDER PUBLISHED AUGUST 4, 1914, PROMULGATING SPECIAL RATES TO BE PAID FOR BILLETING IN CASES OF EMERGENCY.

1914. No. 1452.

A.O. 289.
1914.
5/Bills/1255.

VII.—*Special rates to be paid for billeting in cases of emergency.*—1. Pursuant to Section 108 A (3) (c) of the Army Act,(**a**) the prices to be paid to an occupier other than the keeper of a victualling house for billets requisitioned in accordance with the provisions of Section 108 A have been fixed at the rates shown in the subjoined schedule:—

Accommodation to be provided.	Price to be paid to an occupier other than the keeper of a victualling house.		
	s.	*d.*	
Lodging and attendance for soldier where meals furnished.	0	9	per night.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	0	7½	each.
Dinner as so specified	1	7½	each.
Supper as so specified	0	4½	each.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	0	9	per day.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	2	7½	per day.
Stable room without forage	0	9	per day.
Lodging and attendance for officer	3	0	per night.

Note.—An officer must pay for his food.

(**a**) As to the Army Act, *see* footnote (**b**), p. 86

2. The following special rates have been fixed for troops accommodated in buildings (other than dwelling houses) where bed and attendance are not provided, and for horses where proper stabling is not provided:—

	Price to be paid.
For each officer or soldier	3*d*. per night.
For each horse	

3. A revised form (A.B. 123 M) for payment of billets is now being issued to all units in lieu of A.B. 123.

ARMY ORDER DATED SEPTEMBER 15, 1914, AS TO SPECIAL RATES TO BE PAID FOR BILLETING IN CASES OF EMERGENCY.

1914. No. 1453.

5/Bills/1255. XXI.—*Billeting in cases of emergency.*—With reference to paragraph 2 of Army Order 289 of 1914, the rate payable for troops billeted under Section 108A of the Army Act,(**a**) in empty dwelling houses (unfurnished) is 3*d*. per head per night; in the case of troops billeted in occupied dwelling houses, but where, in accordance with Appendix H, Mobilization Regulations, the provision of beds, &c., is not demanded the full rate of 9*d*. per head is payable.

Before "dwelling" in line 2 of paragraph 2 of the above Army Order "occupied" should be *inserted*.

3. Requisitions of Emergency.

AN ORDER AUTHORIZING GENERAL OR FIELD OFFICERS TO ISSUE REQUISITIONS OF EMERGENCY.(**b**)

(Under the Army Act, Section 115.)

George R.I.

Whereas by Section 115 of the Army Act(**a**) it is amongst other things enacted that it shall be lawful for His Majesty, by Order distinctly stating that a case of emergency exists, and signified by a Secretary of State, to authorize any General or Field Officer Commanding His Majesty's Regular Forces in any military district or place in the United Kingdom to issue a Requisition of Emergency under his hand, requiring Justices of the Peace to issue warrants for the provision, for the purposes mentioned in the Requisition, of carriages, animals, vessels and aircraft, as prescribed by the said Act:

And whereas it is further enacted by the said Act that, whenever a proclamation ordering the Army Reserve to be called out on permanent service or an Order for the embodiment of the Militia is in force, His Majesty's Order may authorize such

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(**a**) As to the Army Act, *see* footnote (**b**), p. 86.

(**b**) This Order was published in the "London Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" of August 6th, 1914, being the 2nd Supplement to the Gazette of August 4th; and in the "Dublin Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th.

Officers to extend such Requisitions to the provision of carriages, animals, vessels and aircraft for the purpose of being purchased, as well as of being hired, on His Majesty's behalf:

And whereas a proclamation ordering the Army Reserve to be called out on permanent service is in force:

And whereas a case of emergency exists within the meaning of the said Act:

Now, therefore, His Majesty, in pursuance of the said Act, is pleased to order and authorize any General or Field Officer Commanding the Regular Forces in any military district or place in the United Kingdom to issue Requisitions of Emergency under the said Act and to extend such Requisitions as by the said Act authorized.

The Fourth day of August, 1914.

H. H. Asquith.

By the Lord Lieutenant-General and General Governor of Ireland.

Aberdeen.

AN ORDER AUTHORISING GENERAL OR FIELD OFFICERS IN IRELAND TO ISSUE REQUISITIONS OF EMERGENCY.(**a**)

(Under the Army Act, Section 115.)

Whereas by the Army Act(**b**) it is amongst other things enacted that it shall be lawful for His Excellency the Lord Lieutenant of Ireland, by Order distinctly stating that a case of emergency exists, and signified by the Chief Secretary or Under Secretary for Ireland, to authorise any General or Field Officer Commanding His Majesty's Regular Forces in any military district or place in Ireland to issue a Requisition of Emergency under his hand, requiring Justices of the Peace to issue warrants for the provision, for the purposes mentioned in the Requisition, of carriages, animals, vessels and aircraft, as prescribed by the said Act:

And whereas a case of emergency exists within the meaning of the said Act:

Now, therefore, in pursuance of the said Act, We, the Lord Lieutenant of Ireland, are hereby pleased to order and authorise any General or Field Officer Commanding His Majesty's Regular Forces in any military district or place in Ireland to issue Requisitions of Emergency under the said Act.

Given at His Majesty's Castle of Dublin, this 4th day of August, 1914.

By His Excellency's Command,

J. B. Dougherty.

(**a**) This Order was published in the "Dublin Gazette" of August 4th, 1914, being a supplement to the Gazette of the same date.

(**b**) As to the Army Act, *see* footnote (**b**), p. 86.

*AN ORDER AUTHORIZING GENERAL OR FIELD OFFICERS TO ISSUE REQUISITIONS OF EMERGENCY.(**a**)

(Under the Army Act, Section 115.)

George R.I.

Whereas by Section 115 of the Army Act it is amongst other things enacted that it shall be lawful for His Majesty, by Order distinctly stating that a case of emergency exists, and signified by a Secretary of State, to authorize any General or Field Officer Commanding His Majesty's Regular Forces in any military district or place in the United Kingdom to issue a Requisition of Emergency under his hand, requiring Justices of the Peace to issue warrants for the provision, for the purposes mentioned in the Requisition, of carriages, animals, vessels, aircraft, food, forage and stores of every description, as prescribed by the said Act:

And whereas it is further enacted by the said Act that, whenever a proclamation ordering the Army Reserve to be called out on permanent service or an Order for the embodiment of the Militia is in force, His Majesty's Order may authorize such Officers to extend such Requisitions to the provision of carriages, animals, vessels, aircraft, food, forage and stores of every description, for the purpose of being purchased, as well as of being hired, on His Majesty's behalf:

And whereas a proclamation ordering the Army Reserve to be called out on permanent service is in force:

And whereas a case of emergency exists within the meaning of the said Act:

Now, therefore, His Majesty, in pursuance of the said Act is pleased to order and authorize any General or Field Officer Commanding the Regular Forces in any military district or place in the United Kingdom to issue Requisitions of Emergency under the said Act and to extend such Requisitions as by the said Act authorized.

The Tenth day of August, 1914.

Kitchener.

By the Lord Lieutenant-General and General Governor of Ireland.

AN ORDER AUTHORIZING GENERAL OR FIELD OFFICERS IN IRELAND TO ISSUE REQUISITIONS OF EMERGENCY.(**b**)

(Under the Army Act, Section 115.)

Aberdeen.

Whereas by the Army Act it is amongst other things enacted that it shall be lawful for His Excellency the Lord Lieutenant

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(**a**) This Order was published in the "London Gazette" of August 10th, 1914, being the 2nd Supplement to the Gazette of August 7th; in the "Edinburgh Gazette" of August 11th, 1914; and in the "Dublin Gazette" of August 11th, 1914.

(**b**) This Order was published in the "Dublin Gazette" of August 11th, 1914.

of Ireland, by Order distinctly stating that a case of emergency exists, and signified by the Chief Secretary or Under Secretary for Ireland, to authorize any General or Field Officer Commanding His Majesty's Regular Forces in any military district or place in Ireland to issue a Requisition of Emergency under his hand, requiring Justices of the Peace to issue warrants for the provision, for the purposes mentioned in the Requisition, of carriages, animals, vessels, aircraft, food, forage and stores of every description, as prescribed by the said Act:

And whereas a case of emergency exists within the meaning of the said Act:

Now, therefore, in pursuance of the said Act, We, the Lord Lieutenant of Ireland, are hereby pleased to order and authorize any General or Field Officer Commanding His Majesty's Regular Forces in any military district or place in Ireland to issue Requisitions of Emergency under the said Act.

Given at His Majesty's Castle of Dublin, this 11th day of August, 1914.

By His Excellency's Command.

J. B. Dougherty.

4.—Additional Number of Men Required.

ARMY, 1914-15.

SUPPLEMENTARY ESTIMATE.

VOTE A.

Number of men of all ranks required for Army Service, in addition to the number already voted—

500,000.

This number represents the probable excess beyond the numbers already voted for the year 1914-15, in consequence of the Proclamations calling out the Army Reserve and continuing soldiers in Army Service, and of further enlistments:—

	All Ranks.
Original Estimate	186,400
Supplementary Estimate now presented	500,000
Revised Total	686,400

War Office,
5th August, 1914.

KITCHENER.
H. J. TENNANT.
H. T. BAKER.
C. W. DOUGLAS, C.I.G.S.
H. C. SCLATER, A.G.
J. S. COWANS, Q.M.G.
S. B. VON DONOP, M.G.O.
R. H. BRADE.
Secretary.

ARMY, 1914-15.

SUPPLEMENTARY ESTIMATE.

VOTE A.

Number of Men of all ranks of the Regular Army required for Army Service, in addition to the number already voted:—

500,000.

This number represents the probable excess beyond the numbers already voted for the year 1914-15, in consequence of further enlistments. The numbers of the Territorial Force are not included:—

	All Ranks.
Original Estimate	186,400
Supplementary Estimate, 5th August, 1914	500,000
Supplementary Estimate now presented	500,000
Revised Total	1,186,400

War Office,
9th September, 1914.

KITCHENER.
H. J. TENNANT.
H. T. BAKER.
C. W. DOUGLAS, C.I.G.S.
H. C. SCLATER, A.G.
J. S. COWANS, Q.M.G.
S. B. VON DONOP, M.G.O.

R. H. BRADE,
Secretary.

5. Separation Allowance.

INCREASED RATES OF SEPARATION ALLOWANCE FOR THE WIVES AND CHILDREN OF SOLDIERS.

1. The rates of Army Separation Allowance have been increased, for the period of the war, with effect from 1st October, 1914, on which date the first payment at the increased rates will be made.

2. The rates have been so increased that the total income of the family derived from this source and from the minimum allotment which the married soldier must make from his pay, whether at home or abroad, will be as shown in the following table.

Any allotment above the minimum rate which a soldier may make will be paid in addition.

WEEKLY RATES OF SEPARATION ALLOWANCE INCLUDING THE COMPULSORY ALLOTMENT OF PAY.

—	Rank of soldier.									
	Private and corporal.		Serjeant.		Colour-serjeant.		Quarter-master-serjeant.		Warrant officer.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
Wife	12	6	15	0	16	6	22	0	23	0
Wife and 1 child... ...	15	0	18	0	19	6	25	0	26	0
Wife and 2 children ...	17	6	21	0	22	6	28	0	29	0
Wife and 3 children ...	20	0	24	0	25	6	31	0	32	0
Wife and 4 children ...	22	0	26	0	27	6	33	0	34	0
	And so on, with an addition of 2*s.* for each additional child.									
Deduction if in public quarters with fuel and light	*6*	*0*	*6*	*0*	*7*	*6*	*13*	*0*	*14*	*0*

The extra 3*s.* 6*d.* a week issuable to London families and the special compensation allowance granted to families on the married establishment will continue to be paid as at present.

3. The compulsory allotments of pay included above are—

Soldiers not below the rank of sergeant ... ... Wife, 5*s.* 10*d.* per week, with 1*s.* 2*d.* for each child, up to a maximum of 9*s.* 4*d.*

Other soldiers ... ... Wife, 3*s.* 6*d.* per week, with 7*d.* for each child, up to a maximum of 5*s.* 3*d.*

4. The separation allowance for motherless children will be at the rate of 3s. a week for each child, with the regulated allotment from the soldier in addition. This allotment is as stated in paragraph 3 above.

5. From 1st October, payment will be made weekly in advance, through the Post Office, on the orders of the Regimental Paymaster of the soldier's unit (or of the Territorial Force County Association in the case of soldiers of the Territorial Force).

ARTICLES OF COMMERCE UNREASONABLY WITHHELD.

PROCLAMATION, DATED SEPTEMBER 17, 1914, UNDER SECTION 2 OF THE ARTICLES OF COMMERCE (RETURNS, &C.) ACT, 1914 (4 & 5 GEO. 5, C. 65) AUTHORISING THE BOARD OF TRADE TO TAKE POSSESSION OF SUPPLIES OF ANY ARTICLES OF COMMERCE WHICH ARE BEING UNREASONABLY WITHHELD FROM THE MARKET.(**a**)

1914. No. 1403.

BY THE KING.

A Proclamation authorising the Board of Trade to take Possession of Articles of Commerce which are being unreasonably withheld from the Market.

George R.I.

Whereas by the Second Section of the Articles of Commerce (Returns, &c.) Act, 1914,(**b**) it is enacted as follows:—

> "(1) If from any such return as aforesaid" (meaning the return provided for by Section 1 of the said Act) "or from any other source of information the Board of Trade are of opinion that any article of commerce is being unreasonably withheld from the market, they may, if so authorised by His Majesty's Proclamation (made generally or as respects any particular kind of article of commerce) and in manner provided by the Proclamation, take possession of any supplies of the article, paying the owners of the supplies such price as may, in default of agreement, be decided to be reasonable, having regard to all the circumstances of the case, by the arbitration of a Judge of the High Court selected by the Lord Chief Justice of England in England; by a Judge of the Court of Session selected by the Lord President of the Court of Session in Scotland; and by a Judge of the High Court of Ireland selected by the Lord Chief Justice of Ireland in Ireland."
>
> "(2) Nothing in this Act shall be construed as preventing the Board of Trade exercising their powers under this Section without having first obtained, or endeavoured to obtain, returns under this Act."

And whereas We, by and with the advice of Our Privy Council, deem it necessary and expedient that the Board of Trade should be authorised in manner following:—

Now We, by and with the advice aforesaid, do hereby authorise the Board of Trade, if from any such return as aforesaid, or from

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(**a**) This Proclamation was published in the "London Gazette" of September 17th, 1914, being the 2nd Supplement to the Gazette of September 15th; in the "Edinburgh Gazette" of September 19th, being a Supplement to the Gazette of September 18th; and in the "Dublin Gazette" of September 18th, 1914.

(**b**) 4 & 5 Geo. 5. c. 65, printed at p. 23 above.

any other source of information, they are of opinion that any article of commerce is being unreasonably withheld from the market, to take possession of any supplies of such article, paying the owner of such supplies such price as in default of agreement may be decided to be reasonable, having regard to all the circumstances of the case, by the arbitration of a Judge of the High Court selected by the Lord Chief Justice of England in England; by a Judge of the Court of Session selected by the Lord President of the Court of Session in Scotland; and by a Judge of the High Court of Ireland selected by the Lord Chief Justice of Ireland in Ireland; and for the purpose of so taking possession of any such article as aforesaid We do further authorise that any Officer of the Board or any Officer of any other Government Department or any other person authorised in that behalf by the Board may enter any premises on which he has reason to believe that there is kept or stored any such article and take possession thereof.

Given at our Court at Buckingham Palace, this Seventeenth day of September, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of our Reign.

God Save the King.

AUSTRIA-HUNGARY.

PROCLAMATION, DATED AUGUST 12, 1914, EXTENDING TO AUSTRIA-HUNGARY CERTAIN PROCLAMATIONS RELATING TO FINANCIAL ASSISTANCE TO THE ENEMY, TRADING WITH THE ENEMY, AND CONTRABAND OF WAR, AND AN ORDER IN COUNCIL RELATING TO "DAYS OF GRACE" TO ENEMY SHIPS.(a)

1914. No. 1254.

BY THE KING.

A Proclamation extending the Scope of certain existing Proclamations and a certain Order in Council connected with the War.

George, R.I.

Whereas on the fourth day of August one thousand nine hundred and fourteen a State of War came into existence between Us on the one hand and the German Empire on the other (b):

(a) This Proclamation was published in the "London Gazette" of August 13th, 1914, being the 1st Supplement to the Gazette of August 11th; in the "Edinburgh Gazette" of August 14th, 1914; and in the "Dublin Gazette" of August 14th, 1914.

(b) *See* Notification of August 4th of a State of War with the German Empire, printed at p. 1 above.

And whereas We did on the same date and on the fifth day of August one thousand nine hundred and fourteen issue certain Proclamations and Orders in Council connected with such State of War:

And whereas a State of War now exists between Us on the one hand and the Dual Monarchy of Austria-Hungary on the other (**a**):

And whereas it is therefore desirable to extend the scope of certain of the Proclamations and Orders in Council aforesaid:

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows:—

1. The Proclamation (**b**) warning all Our Subjects and all persons resident or being in Our Dominions from contributing to, or participating in or assisting in the floating of, any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government, or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this date to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting, or assisting the Austro-Hungarian Government.

*2(**c**). The Proclamation on Trading with the Enemy (**d**) shall be deemed as from this date to prohibit with the Dual Monarchy of Austria-Hungary all commercial intercourse, which under the said Proclamation is prohibited with the German Empire, and for this purpose such Proclamation shall be read as if throughout the operative portion thereof, the words, "either the German Empire or the Dual Monarchy of Austria-Hungary" were substituted for the words "the German Empire."*

3.—(1) In the Order in Council issued with reference to the departure from Our Ports of enemy vessels, which at the outbreak of hostilities were in any such Port or which subsequently entered the same (**e**), the word "enemy," as applied to either ships or cargo, shall be deemed as from this date to include Austro-Hungarian ships or cargo.

(2) In the application of this Article to Austro-Hungarian ships the date Saturday, the Fifteenth day of August, shall be substituted for the date mentioned in Article 2 of the said Order in Council, and the date Saturday, the Twenty-second day of August, shall be substituted for the date mentioned in Article 3 of the said Order in Council.

(**a**) *See* Notification of August 12th of a State of War with Austria-Hungary, printed at p. 1 above.

(**b**) *See* Proclamation of August 5th, printed at p. 177 below under the heading of "FINANCIAL ASSISTANCE TO THE ENEMY."

(**c**) Paragraph 2 of this Proclamation is revoked by the "Trading with the Enemy Proclamation No. 2," printed at p. 378 below under the heading "TRADING WITH THE ENEMY."

(**d**) The Proclamation on Trading with the Enemy of August 5th (which is printed at p. 375 under the heading "TRADING WITH THE ENEMY") was revoked by "The Trading with the Enemy Proclamation No. 2."

(**e**) This Order in Council is printed at p. 138 below under the heading "'DAYS OF GRACE' TO ENEMY'S SHIPS."

4. The Proclamation specifying the articles which it is Our intention to treat as Contraband of War during the war with Germany(**a**) shall be deemed to specify the articles which it is Our intention to treat as Contraband of War during the war with Austria-Hungary.

5. In the Proclamation forbidding the carriage in British vessels from any Foreign Port to any other Foreign Port of any article comprised in the list of Contraband of War issued by Us, unless the shipowner shall have first satisfied himself that the articles are not intended ultimately for use in the enemy country(**b**), the words "enemy country" shall be deemed as from this date to include the Dual Monarchy of Austria-Hungary.

Given at Our Court at Buckingham Palace, this Twelfth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

BANK HOLIDAYS.

PROCLAMATION, DATED AUGUST 3, 1914, APPOINTING TUESDAY AUGUST 4TH, 1914, WEDNESDAY AUGUST 5TH, 1914, AND THURSDAY AUGUST 6TH, 1914, BANK HOLIDAYS THROUGHOUT THE UNITED KINGDOM.(**c**)

1914. No. 1172.

BY THE KING.

A Proclamation for appointing Tuesday August 4, Wednesday August 5, and Thursday August 6, Bank Holidays throughout the United Kingdom.

George R.I.

We, considering that it is desirable in view of the critical situation in Europe and the financial difficulties caused thereby that Tuesday the 4th instant, Wednesday the 5th instant, and Thursday the 6th instant, should be observed as Bank Holidays

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(**a**) The Proclamation of August 4th is printed at p. 108 below under the heading "CONTRABAND OF WAR." By Proclamation of September 21st, printed at p. 111 below, the list of Articles to be treated as conditional contraband was added to. A list of contraband goods is printed in Appendix A III. at p. 407 below.

(**b**) This Proclamation is printed at p. 110 below under the heading "CONTRABAND OF WAR."

(**c**) This proclamation was published in the "London Gazette" of August 3rd, 1914, being the 4th Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 4th, 1914; and in the "Dublin Gazette" of August 3rd, 1914, being the 2nd Supplement to the Gazette of July 31st.

throughout the United Kingdom, and in pursuance of the provisions of The Bank Holidays Act, 1871,(**a**) do hereby, by and with the advice of Our Privy Council and in exercise of the powers conferred by the Act aforesaid, appoint Tuesday the 4th instant, Wednesday the 5th instant, and Thursday the 6th instant, as special days to be observed as Bank Holidays throughout the United Kingdom, under and in accordance with the said Act,(**b**) and We do, by this Our Royal Proclamation, command the said days to be so observed, and all Our loving Subjects to order themselves accordingly.

Given at Our Court at Buckingham Palace this Third day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

ORDER IN COUNCIL AND PROCLAMATION OF THE LORD LIEUTENANT APPOINTING TUESDAY, AUGUST 4TH, WEDNESDAY, AUGUST 5TH, AND THURSDAY, AUGUST 6TH, 1914, AS BANK HOLIDAYS.(**c**)

By the Lord Lieutenant and Privy Council in Ireland.

Aberdeen.

Whereas His Majesty King George V. has been pleased by Proclamation(**d**) to appoint that Tuesday, the 4th instant, Wednesday, the 5th instant, and Thursday, the 6th instant, should be observed as Bank Holidays throughout the United Kingdom, in pursuance of the provisions of the Bank Holidays Act, 1871: (**e**)

And whereas by the Bank Holidays Extension Act, 1875,(**f**) it is amongst other things enacted that the powers conferred by Section 4 of the Bank Holidays Act, 1871, may be exercised in Ireland as far as relates to that part of the United Kingdom by the Lord Lieutenant in Council:

Now We, the Lord Lieutenant-General and General Governor of Ireland, do hereby, by and with the advice of His Majesty's Privy Council in Ireland, and in exercise of the powers conferred by the Acts aforesaid, appoint Tuesday, the 4th instant, Wednesday, the 5th instant, and Thursday, the 6th instant, as special days to be observed as Bank Holidays throughout Ireland, and

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(**a**) 34 & 35 Vict. c. 17.

(**b**) That Act provides that certain payments due on a special bank holiday appointed by proclamation shall be payable on the following day, and s. 14 of the Bills of Exchange Act, 1882 (45 & 46 Vict. c. 61), provides for the computation of payments.

(**c**) This Order and Proclamation was published in the "Dublin Gazette" of August 3rd, 1914, being the 2nd Supplement to the Gazette of July 31st.

(**d**) Printed at p. 99 above.

(**e**) 34 & 35 Vict. c. 17.

(**f**) 38 & 39 Vict. c. 13.

every part thereof, under and in accordance with the said Acts,(**a**) and We do, by this Our Proclamation, command the said days to be so observed.

Given at the Council Chamber, Dublin Castle, the 3rd day of August, 1914.

Ignatius J. O'Brien, C.
W. F. Bailey.
Jonathan Pim.

God save the King.

BILLS OF EXCHANGE (ASSISTANCE IN REGARD TO).(**b**)

(i) *Letter from the Chancellor of the Exchequer to the Bank of England dated the 12th August*, 1914.

Treasury Chambers,
12th August, 1914.

GENTLEMEN,

I HAVE the honour to transmit to you herewith a copy of a notice which His Majesty's Government are causing to be published to-morrow, explaining the nature of the arrangement reached after consultation with you to-day for providing Government assistance for the discounting of bills of exchange covered by the Proclamation of the 2nd August, 1914,(**c**) in regard to postponement of payments.

I have the honour to convey to you the authority of His Majesty's Government to take action on their behalf in accordance with the scheme and an assurance that they will in due course ask Parliament to give statutory authority for the arrangements adopted, and for the charge against the Exchequer of any loss which may be incurred by the Bank as the result of their operations in the matter.

I have the honour to be,
Gentlemen,
Your obedient Servant,

(Signed) D. LLOYD GEORGE.

The Governor and Deputy Governor,
Bank of England.

(**a**) See footnote (**b**) to His Majesty's Proclamation at p. 100 above.

(**b**) See also the Proclamations as to Postponement of Payments printed under the heading "POSTPONEMENT OF PAYMENTS" at pp. 238–248 below. Postponement of certain payments was also effected by the appointment by Proclamations (printed at pp. 99, 100, above under the heading "BANK HOLIDAYS") of three successive bank holidays.

(**c**) Printed at p. 238 below.

Enclosure to (i).

The Chancellor of the Exchequer has for several days past been in close and constant consultation with the Governor of the Bank of England, the bankers, the accepting houses and the principal traders for the purpose of providing the country with all the banking facilities it needs in the present emergency. We are now able to announce that the Chancellor of the Exchequer has completed arrangements with the Bank of England for terminating the present deadlock in the money market and for enabling the trade and commerce of the country to resume its normal course. The greatest difficulty arose from the stoppage of remittances to London both from the provinces and from other countries not only in Europe but in all parts of the world. This caused a breakdown in the foreign exchanges and deterred bankers from discounting bills in the normal way. To overcome this difficulty as well as that of providing traders in this country with all the banking facilities they need, the Government have now agreed to guarantee the Bank of England from any loss it may incur in discounting bills of exchange either home or foreign, bank or trade, accepted prior to August 4th, 1914. Accordingly we are authorised to make the following announcement:—

"The Bank of England are prepared on the application of the holder of any approved bill of exchange accepted before the 4th day of August, 1914, to discount at any time before its due date at Bank rate without recourse to such holder, and upon its maturity the Bank of England will in order to assist the resumption of normal business operations give the acceptor the opportunity until further notice of postponing payment, interest being payable in the meantime at 2 per cent. over Bank rate varying. Arrangements will be made to carry this scheme into effect so as to preserve all existing obligations.

"The Bank of England will be prepared for this purpose to approve such bills of exchange as are customarily discounted by them and also good trade bills and the acceptances of such foreign and colonial firms and bank agencies as are established in Great Britain."

Treasury Chambers, S.W.,
12th August, 1914.

(ii) *Letter from Treasury to Bank of England dated 27th August*, 1914.

Treasury Chambers,
27th August, 1914.

GENTLEMEN,

WITH reference to the letter addressed to the Governors of the Bank by the Chancellor of the Exchequer on the 12th instant on the subject of the discounting by the Bank of England of Bills of Exchange accepted prior to August 4th, I am directed by the Lords Commissioners of His Majesty's Treasury now to place on formal record the arrangement announced in the Press Notice accompanying the letter referred to, as follows:—

1. The Bank of England will, upon the application of the holder of any approved bill of exchange accepted before the 4th August, 1914, discount such bill at any time before its due date at Bank rate without recourse to such holder.

(In the case of date bills the acceptance, if undated, may be deemed to have been given in course of post from the date on which the bills were drawn.)

2. It will be for the Bank of England to decide in any particular case whether a bill is to be approved, but the Bank will be prepared to approve such bills of exchange as are customarily discounted by them and also good trade bills and the acceptances of such foreign and colonial firms and bank agencies as are established in Great Britain.

3. Upon the maturity of any bill so discounted the Bank of England will give the acceptor the opportunity of postponing payment pending further notice, interest being payable in the meantime at 2 per cent. over Bank rate varying.

4. The date at which such further notice shall be given shall be determined by the Bank after consultation with the Treasury.

5. Arrangements will be made for preserving all existing obligations, so far as possible, in respect of bills discounted.

6. The Bank of England are to be indemnified for any action taken by them in the matter, and to be guaranteed by the Treasury against any loss which may be incurred by the Bank as the result of their operations.

7. Such loss is to be calculated in accordance with an account to be kept in the following form:—

	£		£
Amount of approved bills discounted at Bank rate, payment of which has been postponed		Amount realised by the Bank in respect of approved bills, payment of which has been postponed ...	
Net deficiency		Interest received at 2 per cent. (above Bank rate varying) in respect of approved bills, payment of which has been postponed, less allowance to the Bank for interest (at 1 per cent. below Bank rate varying) and expenses (½ per cent.) ...	
	£		£

8. The Chancellor of the Exchequer has undertaken to ask Parliament to pass the legislation necessary for giving statutory

authority for this scheme, and for charging against the Exchequer the amount of the ultimate loss which may be incurred by the Bank in carrying it into effect.

I am to request that my Lords may be informed whether you concur in the statement of the arrangement as set out in this letter.

I am, Gentlemen,
Your obedient Servant,
(Signed) JOHN BRADBURY.

The Governor and Deputy Governor,
Bank of England.

(iii) *Letter from Bank of England to Treasury, dated 27th August,* 1914.

Bank of England, London, E.C.,
27th August, 1914.

GENTLEMEN,

I AM directed by the Governors to acknowledge the receipt of Sir John Bradbury's letter of this day's date, setting forth in detail the conditions under which it is desired that the Bank should accept for discount, without recourse to the holders, approved Bills of Exchange accepted prior to the 4th August, in terms of the announcement published on the 13th inst. by His Majesty's Government.

In reply, I am to say that the Bank are prepared to accept for discount such bills as are defined under head (2) on the terms set forth under head (7) and subject to the guarantee by the Treasury against any loss which the Bank may incur as the result of their operations, as expressed under head (6) of the letter under reply.

I am, Gentlemen,
Your obedient Servant,
(Signed) J. G. NAIRNE,
Chief Cashier.

The Joint Secretaries to the Treasury,
Treasury Chambers, S.W.

(iv) *Statement appearing in the Press, Saturday, September 5th.*

The breakdown of the foreign exchanges has caused, and is still causing, very great inconvenience to traders throughout the country, and strong representations have been made to the Chancellor of the Exchequer upon the subject. It has been pointed out to him that the dislocation of exchange is exercising an extremely prejudicial influence upon trade generally, and especially upon the foreign trade of the country, and that in the absence of the usual exchange facilities, goods can neither be imported nor exported in any appreciable quantity. To ascertain the causes and to find a remedy for the difficulties in obtaining international exchange the Chancellor of the Exchequer consulted a large number of leading traders, members of accepting houses, and bankers. After a series of conferences at the Treasury the Chancellor of the Exchequer now wishes to announce that an arrangement has been arrived at which is designed to remove the difficulties.

PRINCIPAL FEATURES OF THE SCHEME.

The main features of the arrangement may be summarized as follows:—

(1) The Bank of England will provide where required acceptors with the funds necessary to pay all approved pre-moratorium bills at maturity. This course will release the drawers and indorsers of such bills from their liabilities as parties to these bills, but their liability under any agreement with the acceptors for payment or cover will be retained.

(2) The acceptors will be under obligation to collect from their clients all the funds due to them as soon as possible, and to apply those funds to repayment of the advances made by the Bank of England. Interest will be charged upon these advances at 2 per cent. above the ruling Bank rate.

(3) The Bank of England undertakes not to claim repayment of any amounts not recovered by the acceptors from their clients for a period of one year after the close of the war. Until the end of this period the Bank of England's claim will rank after claims in respect of post-moratorium transactions.

(4) In order to facilitate fresh business and the movement of produce and merchandise from and to all parts of the world the joint-stock banks have been arranged with the co-operation, if necessary, of the Bank of England and the Government to advance to clients the amounts necessary to pay their acceptances at maturity where the funds have not been provided in due time by the clients of the acceptors. The acceptor would have to satisfy the joint stock banks or the Bank of England both as to the nature of the transaction and as to the reason why the money is not forthcoming from the client. These advances would be on the same terms as regards interest as the pre-moratorium bill advances.

The Government is now negotiating with a view to assisting the restoration of exchange between the United States of America and this country.

(v) *Statement appearing in the Press, Friday, October 2nd.*

Last night the Bank of England issued the following notice with regard to the manner in which the Bank will provide all necessary funds to pay, on behalf of acceptors, approved pre-moratorium bills at maturity:—

(1) All applications to the Bank of England from acceptors to provide funds necessary to pay approved pre-moratorium

bills at maturity, in terms of the Government announcement of September 5, must be lodged in duplicate at the Bank of England not less than eight days before the advance is required. The name of the drawer, the amount, and the date of maturity of each bill must be stated in the application. If the Bank does not approve a bill notice will be given to the acceptor at least three days before the date of maturity.

(2) Applications from persons and firms unknown to the Bank must be submitted through their own bankers with a satisfactory letter of introduction.

(3) The Bank of England, provided they agree to make the advance, will pass to the credit of the applicant, as required, the amount necessary to meet the acceptances, which the acceptor will arrange to have referred to the Bank of England at maturity. The bills will then be held by the Bank until the advance is repaid. Applicants who have not already an account with the Bank of England will be required to keep an account, for this purpose only, with the Bank of England, through which the money advanced will be passed.

(4) The acceptor can arrange, if he prefers, that his own bankers should provide the required amount and then refer the acceptances (if previously approved), uncancelled, on the day of maturity, to the Bank of England, who will pay the bills to the acceptor's bankers.

CONSULAR REPRESENTATIVES OF THIRD POWERS.

Royal Warrant under Sign Manual revoking the Exequaturs or other recognitions granted to German or Austro-Hungarian subjects who exercise in His Majesty's Dominions, or in British Protectorates or in places subject to British Occupation or Control, the functions of Consular representatives for any third Power.(**a**)

(L.S.) *George* R.I

George, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, &c., &c., &c. To all to whom these Presents shall come, Greeting!

Whereas We, and also Her late Majesty Queen Victoria of Happy Memory, and His late Majesty King Edward the Seventh

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(**a**) This Order was published in the "London Gazette" of August 25th, 1914; in the "Edinburgh Gazette" of August 24th, 1914, being a Supplement to the Gazette of August 21st; and in the "Dublin Gazette" of August 25th, 1914.

of Happy Memory, have from time to time, by the Grant of Exequaturs, or otherwise, recognised and approved divers persons, being subjects of the German Empire or of the Dual Monarchy of Austria-Hungary, as Consular Representatives of other foreign Powers within Our Dominions or Protectorates, or within places subject to Our occupation or control;

And whereas a state of War exists between Us and the German Empire(**a**), and also between Us and the Dual Monarchy of Austria-Hungary(**b**);

And whereas, for divers good causes and considerations Us thereunto moving, we have deemed it expedient no longer to recognise any such persons as such Consular Representatives as aforesaid, and further to withdraw all the Exequaturs heretofore granted to any of such persons:

Now know ye that we do hereby declare, order, and direct that any person, being a subject of the German Empire or of the Dual Monarchy of Austria-Hungary, and now being a Consular Representative of any other foreign Power within Our Dominions or Protectorates, or within places subject to Our occupation or control, shall henceforth no longer be recognised as such Consular Representative, or permitted to perform any duties, or act in any respect as such Consular Representative within Our Dominions or Protectorates, or within places subject to Our occupation or control, and that We do hereby withdraw accordingly all and singular the Exequaturs and Exequatur heretofore granted to any of such persons.

Given at Our Court of St. James the 13th day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the Fifth Year of Our Reign.

By His Majesty's Command,

E. Grey.

(**a**) *See* Notification of a State of War with the German Empire, printed at p. 1 above.

(**b**) *See* Notification of a State of War with the Dual Monarchy, printed at p. 1 above.

CONTRABAND OF WAR.

PROCLAMATION, DATED AUGUST 4, 1914, SPECIFYING THE ARTICLES TO BE TREATED AS CONTRABAND OF WAR.(**a**), (**b**), (**c**), (**d**).

1914. No. 1250.

BY THE KING.

A Proclamation specifying the Articles to be treated as Contraband of War.

George R.I.

WHEREAS a state of War exists between Us on the one hand and the German Empire on the other(**e**) :

And whereas it is necessary to specify the Articles which it is Our intention to treat as Contraband of War :

Now, therefore, We do hereby Declare, by and with the advice of Our Privy Council, that during the continuance of the War or until we do give further public notice the articles enumerated in Schedule I. hereto will be treated as Absolute Contraband, and the articles enumerated in Schedule II. hereto will be treated as Conditional Contraband :—

Schedule I.

The following articles will be treated as Absolute Contraband :—

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.

2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.

3. Powder and explosives specially prepared for use in war.

4. Gun mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts.

(**a**) The Proclamation of August 12th, printed at p. 97 above, under the heading "AUSTRIA-HUNGARY" provides that this Proclamation of August 4th shall be deemed to specify the articles to be treated as Contraband of War during the war with Austria-Hungary.

(**b**) The Order in Council of August 20th, 1914, printed at p. 143 below, under the heading "DECLARATION OF LONDON" provides that the Lists of Absolute and Conditional Contraband contained in this Proclamation shall be substituted for those contained in Articles 22 and 24 of the said Declaration. The Declaration, as signed and unmodified, is printed in Appendix H at p. 447 below, and the Commentary thereon (by the light of which the Order directs that all Prize Courts shall interpret the Declaration) at pp. 464–514 below.

(**c**) By Proclamation of September 21st, printed at p. 111 below, the list of articles to be treated as Conditional Contraband was added to. Lists of Contraband Goods (Absolute and Conditional) are printed in Appendix A III. at p. 407 below.

(**d**) This Proclamation was published in the "London Gazette" of August 5th, 1914, being the 1st Supplement to the Gazette of August 4th ; in the "Edinburgh Gazette" of August 6th, 1914, being the 2nd Supplement to the Gazette of August 4th, and in the "Dublin Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th.

(**e**) *See* Notification of August 4th of a State of War, printed at p. 1 above.

5. Clothing and equipment of a distinctively military character.

6. All kinds of harness of a distinctively military character.

7. Saddle, draught, and pack animals suitable for use in war.

8. Articles of camp equipment, and their distinctive component parts.

9. Armour plates.

10. Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.

11. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognisable as intended for use in connection with balloons and aircraft.

12. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

Schedule II.(**a**)

The following articles will be treated as Conditional Contraband :—

1. Food-stuffs.

2. Forage and grain, suitable for feeding animals.

3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.

4. Gold and silver in coin or bullion ; paper money.

5. Vehicles of all kinds available for use in war, and their component parts.

6. Vessels, craft and boats of all kinds ; floating docks, parts of docks, and their component parts.

7. Railway material, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.

8. Fuel ; lubricants.

9. Powder and explosives not specially prepared for use in war.

10. Barbed wire, and implements for fixing and cutting the same.

11. Horse-shoes and shoeing materials.

12. Harness and saddlery.

13. Field-glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at Our Court at Buckingham Palace, this Fourth day of August, in the year of our Lord One thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

(**a**) Additions were made to this Schedule by the Proclamation of September 21st, printed at p. 111 below, and a List of Articles which are Conditional Contraband is printed in Appendix A III. at p. 408 below.

PROCLAMATION, DATED AUGUST 5, 1914, PROHIBITING BRITISH VESSELS FROM CARRYING CONTRABAND OF WAR FROM ONE FOREIGN PORT TO ANY OTHER FOREIGN PORT.(**a**)

1914. No. 1251.

BY THE KING.

A Proclamation prohibiting British Vessels from carrying Contraband from one Foreign Port to any other Foreign Port.

George R.I.

Whereas a state of war exists between Us on the one hand and the German Empire on the other :(**b**)

And whereas We have by Proclamation warned all persons resident, carrying on business, or being in Our Dominions, that it is contrary to law for them to have any commercial intercourse with any person resident, carrying on business, or being in the said Empire, or to trade in or carry any goods, wares, or merchandise destined for or coming from the said Empire, or for or from any person resident, carrying on business, or being therein ;(**c**) Now we do hereby further warn all Our subjects that conformably with that prohibition it is forbidden to carry in British Vessels from any Foreign Port to any other Foreign Port any article comprised in the list of contraband of war issued by Us(**d**) unless the shipowner shall have first satisfied himself that the articles are not intended ultimately for use in the enemy country.(**e**) Any British Vessel acting in contravention of this Proclamation will be liable to capture by Our Naval Forces and to be taken before Our Prize

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(**a**) This Proclamation was published in the "London Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th ; in the "Edinburgh Gazette" of August 7th, 1914 ; and in the "Dublin Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th.

(**b**) See Notification of a State of War with Germany, printed at p. 1 above.

(**c**) The Proclamation on Trading with the Enemy of August 5th (which is printed at p. 375 under the heading "TRADING WITH THE ENEMY"), was extended to Austria-Hungary by paragraph 2 of Proclamation of August 12th (printed at p. 97 above) under the heading "AUSTRIA-HUNGARY." By the Trading with the Enemy Proclamation No. 2 (printed at p. 378 below), the Proclamation of August 5th and paragraph 2 of that of August 12th were revoked.

(**d**) *See* Proclamation of August 4th, 1914, printed at p. 108 above, prescribing a list of articles to be treated as Contraband of War, which list was, so far as Conditional Contraband is concerned, added to by the Proclamation of September 21st, 1914, printed at p. 111 below. A list of Contraband of War is printed in Appendix A III at p. 407 below.

(**e**) The Proclamation of August 12th, printed at p. 97 above under the heading "AUSTRIA-HUNGARY" provides that the words "enemy country" shall be deemed to include the Dual Monarchy of Austria-Hungary.

Courts (**a**) for adjudication, and any of Our subjects acting in contravention of this Proclamation will be liable to such penalties as the law prescribes.

Given at Our Court at Buckingham Palace, this Fifth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

PROCLAMATION, DATED SEPTEMBER 21, 1914, SPECIFYING CERTAIN ADDITIONAL ARTICLES TO BE TREATED AS CONTRABAND OF WAR.(**b**)

1914. No. 1410.

BY THE KING.

A Proclamation specifying certain additional Articles which are to be treated as Contraband of War.

George R.I.

Whereas on the fourth day of August last We did issue Our Royal Proclamation(**c**) specifying the articles which it was Our intention to treat as Contraband of War during the War between Us and the German Emperor:

And whereas on the twelfth day of August last We did by Our Royal Proclamation of that date(**d**) extend our Proclamation afore-mentioned to the War between Us and the Emperor of Austria, King of Hungary:

And whereas by an Order in Council of the twentieth day of August, 1914,(**e**) it was ordered that during the present hostilities the Convention known as the Declaration of London(**f**) should, subject to certain additions and modifications therein specified, be adopted and put in force as if the same had been ratified by Us:

And whereas it is desirable to add to the list of articles to be treated as Contraband of War during the present War:

And whereas it is expedient to introduce certain further modifications in the Declaration of London as adopted and put in force:

(**a**) *See* Orders in Council of August 5th and 20th, printed at pp. 248–252 below under the heading "PRIZE COURTS" providing for the Constitution of a Prize Court (High Court), that of September 30th as to constitution of Prize Courts for Egypt, Zanzibar, and Cyprus (p. 253), and Notification of October 8th as to constitution of Prize Courts in certain Oversea Dominions (p. 527).

(**b**) This Proclamation was published in the "London Gazette" of September 21st, 1914, being the 2nd Supplement to the Gazette of September 18th; in the "Edinburgh Gazette" of September 22nd, 1914; and in the "Dublin Gazette" of September 22nd, 1914.

(**c**) Printed at p. 108, above.

(**d**) Printed under the heading "AUSTRIA-HUNGARY" at p. 97, above.

(**e**) Printed at p. 143 below, under the heading "DECLARATION OF LONDON."

(**f**) The Declaration of London is printed in Appendix H at pp. 447–463 below.

Now, therefore, We do hereby Declare, by and with the advice of Our Privy Council, that during the continuance of the War, or until We do give further public notice, the articles enumerated in the Schedule hereto will, notwithstanding anything contained in Article 28 of the Declaration of London, be treated as conditional Contraband.

Schedule.

Copper, unwrought.
Lead, pig, sheet, or pipe.
Glycerine.
Ferrochrome.
Hæmatite Iron Ore.
Magnetic Iron Ore.
Rubber.
Hides and Skins, raw or rough tanned (but not including dressed leather).

Given at Our Court at Buckingham Palace, this Twenty-first day of September, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

COUNTY COURT (ENGLAND) RULES AND FEES.(a)

County Court Rule, dated September 10, 1914.

The Postponement of Payments Act, 1914.

1914. No. $\frac{1335}{\text{L. } 31}$.

Order VII., Rule 36, pars. 2, 3. Where judgment cannot be entered by reason of Proclamation under 4 & 5 Geo. 5, c. 11.

The following Rule shall have effect during the currency of any Proclamation(**b**) issued under the Postponement of Payments Act, 1914, and for two months thereafter.

Order VII.

Plaint Note and Summons. Service Default Summons and Service.

The following paragraphs shall be added to Order VII., Rule 36, viz.:—

(2) Where a default summons has been issued in an action in respect of a claim to which any Proclamation issued under or

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(**a**) The Rules and Directions of the Lord Chancellor under the Courts (Emergency Powers) Act, 1914, are printed at pp. 115–124 below, under the heading "Courts (Emergency Powers)."

(**b**) The Proclamations in question are printed at pp. 238–248 below under the heading "Postponement of Payments."

confirmed by the Postponement of Payments Act, 1914, applies, and notice of intention to defend has not been given or leave to defend has not been obtained, the period during which such Proclamation was or shall be in force shall be excluded in the computation of the time within which judgment may be entered.

(3) Where any such action has been struck out on default of judgment being entered, and the court is satisfied that the plaintiff was unable to have judgment entered by reason of any such Proclamation, or of any directions given for carrying any such Proclamation into effect, the court may, at any time before the expiration of the time limited for entering judgment (such time to be computed) in accordance with the preceding paragraph, order the action to be reinstated.

Wm. L. Selfe.
Wm. C. Smyly.
R. Woodfall.
T. C. Granger.
H. Tindal Atkinson.

Approved by the Rules Committee of the Supreme Court.

Kenneth Muir Mackenzie,
Secretary.

I allow this Rule, which shall come into operation forthwith.

Haldane, C.

The 10th day of September, 1914.

TREASURY ORDER, DATED SEPTEMBER 15, 1914, REGULATING FEES IN COUNTY COURTS.

1914. No. $\frac{1387}{\text{L. 33}}$.

In pursuance of the powers given by the County Courts Act, 1888, and of all other powers enabling Us in this behalf, We, the undersigned, being two of the Commissioners of His Majesty's Treasury, whose names are hereunto subscribed, do hereby, with the consent of the Lord Chancellor, order that, on and after the 15th day of September, 1914, the several alterations and additions to the Schedules to the Treasury Order regulating Fees in County Courts, dated the 30th day of December, 1903 (as amended by Treasury Orders, dated the 30th day of May, 1907, the 7th day of July, 1909, the 15th day of May, 1912, the 18th day of November, 1913, and the 26th day of May, 1914),(**a**) specified in the Schedule hereunder written shall have effect.

John W. Gulland.
William Jones.

I concur.

Haldane, C.

(**a**) The main Order, that of 1903, is printed in Statutory Rules and Orders Revised (1904) III., County Court, E., pp 677-697, and the subsequent ones mentioned above form Statutory Rules and Orders, 1907, No. 460; 1909, No. 766; 1912, No. 633; 1913, No. 1228; and 1914, No. 708.

SCHEDULE B, PART I.

General.

Registrar's Fees.

The following paragraph shall be added :—

Courts (Emergency Powers) Act, 1914, *and Courts (Emergency Powers) Rules,* 1914.

33*c*. On any summons under these Rules : Sixpence for each pound or part of a pound, calculated on the amount of the subject matter of the application, but so that the total fee does not exceed two shillings and sixpence.

COURTS (EMERGENCY POWERS).

1. Jurisdiction.

THE COURTS (EMERGENCY POWERS) ORDER, 1914.(**a**)

1914. No. 1404.

At the Court at Buckingham Palace, the 17th day of September, 1914.

PRESENT :

The King's Most Excellent Majesty in Council.

Whereas, under subsection (4) of section two of the Courts (Emergency Powers) Act, nineteen hundred and fourteen,(**b**) His Majesty has power, by Order in Council, to provide, amongst other things, that that Act shall have effect subject to such limitations as may be contained in the Order :

And whereas it is desirable that that Act shall have effect subject to the limitation hereinafter set out :

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. The Courts (Emergency Powers) Act, nineteen hundred and fourteen, shall have effect subject to the following limitation, that is to say, that subsection (1) of section one thereof shall not apply in the case of any proceedings for the levying of any fine, or for the enforcement of the payment of any sum due under

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(**a**) This Order was published in the "London Gazette" of September 17th, 1914, being the 2nd Supplement to the Gazette of September 15th ; in the "Edinburgh Gazette" of September 19th, 1914, being a Supplement to the Gazette of September 18th ; and in the "Dublin Gazette" of September 22nd, 1914. In the "Dublin Gazette" the date of the Order is correctly given, but in the two other Gazettes it is given as of "the 18th"—on which day His Majesty did not make any Orders in Council.

(**b**) 4 & 5 Geo. 5. c. 78, printed at p. 35 above.

a recognizance, or for the enforcement of any order of affiliation or any order enforceable in the same manner as an order of affiliation.

2. This Order may be cited as the Courts (Emergency Powers) Order, 1914.

Almeric FitzRoy.

2. Procedure in England.

THE COURTS (EMERGENCY POWERS) RULES, 1914, DATED SEPTEMBER 8, 1914, MADE BY THE LORD CHANCELLOR UNDER THE COURTS (EMERGENCY POWERS) ACT, 1914 (4 & 5 GEO. 5, c. 78).

1914. No. $\frac{1329}{\text{L. }30}$.

1. In these Rules— Definitions.

The expression "the Act" means the Courts (Emergency Powers) Act, 1914;(**a**)

The expressions "paragraph (*a*)" and "paragraph (*b*)" mean respectively paragraph (*a*) and paragraph (*b*) of subsection (1) of section one of the Act;

The expression "creditor" means any person who has obtained or is seeking to obtain any judgment or order for the payment or recovery of a sum of money to which paragraph (*a*) applies, or who is (apart from the provisions of the Act) entitled to enforce any of the remedies mentioned in paragraph (*b*); and the expression "debtor" has a corresponding meaning.

The expression "application" means an application to the Court under section one of the Act.

Courts by which powers under Act to be exercised.

2.—(1) For the purposes of paragraph (*a*) the court to which application is made shall be the court by which the judgment or order for the payment or recovery of a sum of money has been given or made or in which it is being sought.

(2) For the purposes of paragraph (*b*) the court to which application is made may be—

(*a*) in any case whatever, the High Court;

(*b*) alternatively, in cases where the value of the subject-matter (as hereinafter defined) of the application does not exceed one hundred pounds, the county court; and

(*c*) as a further alternative, in the case of distress for rent where the amount of the yearly rent does not exceed twenty pounds, or in cases where it is sought to enforce either the lapse of a policy to which subsection (1) of section one of the Act applies, or a hire-purchase agreement the original liability on which does not exceed twenty pounds, a court of summary jurisdiction.

(**a**) 4 & 5 Geo. 5. c. 78, printed at p. 35 above.

(3) For the purposes of this Rule, the value of the subject matter of an application shall be deemed to be—

in the case of an application for leave to levy distress, the amount for which distress is proposed to be levied;

in the case of an application for leave to take, resume, or enter into possession of any property, or to exercise any right of re-entry, the amount of the sum sought to be recovered;

in the case of an application for leave to foreclose, or realise any security, the amount of the principal sum secured;

in the case of an application for leave to forfeit any deposit, the total amount payable in respect of which the deposit has been made; and

in the case of an application for leave to enforce the lapse of a policy of insurance to which subsection (1) of section one of the Act applies, the amount ultimately recoverable under the policy.

(4) Applications shall, in the absence of special circumstances, be made to a county court or to a court of summary jurisdiction, as the case may be, where application to such a court is permitted by this Rule.

The court may order any increased costs occasioned by disregard of this sub-rule to be borne by the applicant.

Where an application is made to the High Court which in the opinion of that court ought to have been made to a county court or to a court of summary jurisdiction, the case may, if thought fit, be remitted or transferred to the proper court; and where an application is made to a county court which in the opinion of that court ought to have been made to a court of summary jurisdiction, the county court may remit or transfer the case to a court of summary jurisdiction.

Mode of application under paragraph (*a*).

3.—(1) In cases under paragraph (*a*) where a judgment or order has been already made, application shall be made by summons(**a**) to be served at such time and in such manner and to be dealt with according to such practice generally as may be in conformity with the practice of the court, or division of the court, in question.

Provided that such summons shall have appended to it a note corresponding, *mutatis mutandis*, with the note to the Notice of Application in Form I. in the Schedule to these Rules.

(2) In cases under paragraph (*a*) where no judgment or order has been already made, application may be made at the time of the making of the judgment or order without any summons: Provided that unless the debtor is actually present by himself or his solicitor at the time of the making of the judgment or order such application shall not be entertained unless the creditor shall have served on the debtor, in accordance with the practice of the court in question as to the service of summonses, a notice of intention to make the application, which shall be in the form or to the effect set out in Form I. in the schedule to these rules.

(**a**) See Directions given by the Lord Chancellor September 11th, printed at p. 120 below

[*See* order 54, rule 4*e*.]

(3) Any such notice as in sub-rule (2) of this rule mentioned may be served either with the writ or other document originating the proceedings or at any later time not being less than two clear days before the marking of the judgment or order unless in any case the court shall otherwise order.

(4) The practice of the court in question as to the time and place and method of service and as to substituted service and otherwise shall apply to the service of a notice under this rule as if such notice were a summons.

Mode of application to the High Court under paragraph (*b*).

4(**a**).—(1) Application to the High Court under paragraph (*b*) shall be made by way of originating summons, and shall be dealt with in chambers in accordance with the practice of the division of the High Court in which the application is made; but any such application may be adjourned into court at any stage of the proceedings or during the hearing.

(2) Application shall be to the Division of the High Court which ordinarily deals with subject matters similar to the subject matter of the application. Any application made in contravention of this sub-rule may be remitted to the proper division, but may, if it is thought fit, notwithstanding anything in this sub-rule, be dealt with by the division in which it is made.

(3) The debtor shall not be required to enter any appearance to any such originating summons as aforesaid, and accordingly Rule 4 E of Order LIV. of the Rules of the Supreme Court as well as the general practice of the High Court shall apply thereto.

(4) Any originating summons under this rule shall be in the form or to the effect of Form II. in the Schedule to these rules. In particular it shall have a note as to the effect of the Act subjoined to it in the form or to the effect shown in Form II.

Mode of application to county court under paragraph (*b*).

5.—(1) Applications to the county court under paragraph (*b*) may be made to any court which would have jurisdiction in the matter if the creditor were a plaintiff, and the debtor a defendant, in an action for debt not exceeding 100*l*.

(2) The application shall be made by means of a summons entitled "In the matter of the Courts (Emergency Powers) Act, 1914."

(3) Application may be made to the registrar of the court; but—

- (i) the registrar may in any case refer the matter to the judge;
- (ii) where the amount of the subject matter of the application exceeds five pounds, the registrar shall, on the application of either party, refer the matter to the judge; and
- (iii) the judge may vary or rescind any order made by the registrar and may make such order as may be just.

Mode of application to courts of summary jurisdiction under paragraph (*b*).

6. Applications to a court of summary jurisdiction under paragraph (*b*) shall be made by means of a summons entitled, "In the matter of the Courts (Emergency Powers) Act, 1914," and shall be dealt with by the court.

(**a**) An additional Rule (4A) made by the Lord Chancellor, September 18th, and printed at p. 124 below, provides for applications in the King's Bench Division under paragraphs (*a*) and (*b*) being dealt with by Masters or District Registrars.

Note as to effect of Act to be subjoined to summons in inferior courts.

7. In the case of any application under paragraph (*b*) either to a county court or to a court of summary jurisdiction the summons shall have subjoined to it a note stating the effect of the act in terms similar to those of the note to Form II. in the schedule to these rules.

Procedure under Small Tenements Recovery Act.

8. The procedure under the Act and these Rules in the case of an application to a court of summary jurisdiction under section one of the Small Tenements Recovery Act, 1838,(**a**) shall be the same as if the issue of a warrant under that section were an order of a court of summary jurisdiction.

Evidence in support of application.

9. It shall not be necessary in the first instance for a creditor to support any application either under paragraph (*a*) or under paragraph (*b*) by any affidavit or other evidence except such evidence, if any, as may be required to show the nature and extent of the relief required by him. But if any contest arises between the parties the court to which the application is made may make such requirements or give such directions as to evidence on the part of either party or both parties as the case shall require.

Power to hear cases in private.

10. The court may at any stage of the proceedings on an application under the Act order that the case shall thenceforward be heard in private.

Power to require security.

11. The conditions on which under sub-section (2) of section one of the Act a court may stay execution or defer the operation of any of the remedies therein referred to may, if the court thinks fit, include the giving of any undertaking or the deposit in court or otherwise of any securities or (in the case of the High Court or a county court) the appointment of a receiver or the granting of an injunction.

Power to revoke or vary orders

12. Any order made under the Act or these rules may, should subsequent circumstances render it just so to do, be suspended, discharged, or otherwise varied or altered on application by summons to the court which made such order.

Fees.

13. The following fees shall be payable under these rules, that is to say:—

On any summons in the High Court, 2*s*. 6*d*.
On any summons in a county court, 1*s*.(**b**)
On any summons in a court of summary jurisdiction, 1*s*.

Provided that any court to which an application is made under the Act may remit or excuse in whole or part any court fees paid or payable under this rule in respect of the application.

Ordinary practice of court to be followed.

14. The proceedings on any application under the Act shall, so far as not expressly provided for by these rules, be conducted in accordance with the ordinary practice of the court to which the application is made in dealing with similar matters.

(**a**) 1 & 2 Vict. c. 74.

(**b**) But see Treasury Order of September 15th printed at p. 113 above amending the Orders as to Fees in County Courts by prescribing that on any summons under the Courts (Emergency Powers) Rules, 1914, the Fee shall be Sixpence for each pound or part of a pound, calculated on the amount of the subject matter of the application, but so that the total fee does not exceed two shillings and sixpence.

Palatinate courts and City of London Court.

15. Any application under paragraph (*b*) which under these rules may be made to the Chancery Division of the High Court may, in cases within the jurisdiction of a palatinate court, be made to that court; and any such application which under these rules may be made to a county court may, in cases within the jurisdiction of the City of London court, be made to that court; and these rules shall apply to any such court accordingly with the necessary modifications.

Costs.

16. The costs of any application under the Act shall be in the absolute discretion of the court; and the court may, if it thinks fit, fix the amount of the costs, and direct that they shall be payable forthwith.

Short title and commencement.

17. These rules may be cited as the Courts (Emergency Powers) Rules, 1914, and shall come into operation forthwith.

Dated the 8th of September, 1914.

Haldane, C.

Schedule.

FORM I.—FORM OF NOTICE UNDER PARAGRAPH (*a*).

[Title of Proceedings.]

Take notice that on the occasion of the making of any judgment or order herein for the payment or recovery of a sum of money, I [we] intend to make without any further notice an application to the court under the Courts (Emergency Powers) Act, 1914, for leave of the court to proceed to execution on, or otherwise for the enforcement of any such judgment or order.

(*Signature*)

(*Date*)

NOTE.—*The effect of the above-mentioned Act is to prevent execution on or enforcement of the judgment or order in question if the court is of opinion that you are unable immediately to make the payment thereby directed by reason of circumstances attributable directly or indirectly to the present war. It is for you to show this to the Court if it is the case.*

FORM II.—FORM OF ORIGINATING SUMMONS UNDER PARAGRAPH (*b*).

In the High Court of Justice
Division

(If in the Chancery Division add the name of the Judge to whom the matter is assigned.)

In the matter of the Courts (Emergency Powers) Act, 1914.

Let *A.B.* of attend [if in the Chancery Division at the Chambers of Mr. Justice at the time specified in the margin hereof] [if in the King's Bench Division to the Judge [or Master] in Chambers, Central Office, Royal Courts of Justice, Strand, London] on the day of 19 at o'clock in the noon on the hearing of an application on the part of *C.D.* of that notwithstanding the provisions of section 1, subsection 1 (*b*) of the above-mentioned Act the applicant may be at liberty to exercise the following remedy for enforcing the payment or recovery of money or in default of such payment or recovery, that is to say [may be at liberty to levy a distress for rent amounting to £ on property situate at ; *or* to take, resume, or enter into possession of property situate at ; *or* to forfeit a deposit of £ made on the occasion of (state nature of contract); *or* as the case may be].

NOTE.—*The Courts (Emergency Powers) Act, 1914, provides that during its operation certain remedies for the payment or recovery of money (including the remedy above mentioned) are not to be taken or executed except on an application to the court and that the court may in its discretion defer the exercise of such remedies for such time and subject to such conditions as the court thinks fit, if of opinion that the inability to make payment is due to circumstances attributable directly or indirectly to the present war. If you desire to take advantage of the Act you should attend by yourself or your solicitor and satisfy the court that your inability to pay is due to the war.*

FURTHER NOTE.—*It will not be necessary for you to enter an appearance in the Central Office, but if you do not attend either in person or by your solicitor at the time and place above mentioned [or at the time mentioned in the endorsement hereon] such order will be made and proceedings taken as the judge may think just and expedient.*

DIRECTIONS DATED SEPTEMBER 11, 1914, GIVEN BY THE LORD CHANCELLOR FOR JUDGES AND REGISTRARS OF COUNTY COURTS PURSUANT TO THE COURTS (EMERGENCY POWERS) ACT, 1914 (4 & 5 GEO. 5, C. 78).

1914. No. $\frac{1379}{\text{L. 32}}$.

1. In the application of Rule 3 of the Courts (Emergency Powers) Rules, 1914,(**a**) to the County Courts, the word "summons" shall mean "interlocutory application."

2. Paragraph 4 of Rule 4 of the said Rules shall apply to summonses issued under paragraph 2 of Rule 5. Any such summons shall be served on every person affected thereby four clear days at least before the day fixed for the hearing of the summons unless the Judge or Registrar gives leave for shorter service. Service shall be effected in accordance with the County Court Rules as to the service of notice of an interlocutory application.

The 11th day of September, 1914.

Haldane, C.

(**a**) Printed at p. 35 above.

Further Directions dated September 17, 1914, given by the Lord Chancellor to County Courts pursuant to the Courts (Emergency Powers) Act, 1914 (4 & 5 Geo. 5, c. 78).

1914. No. $\frac{1412}{\text{L. 36}}$.

1. Proceedings for the enforcement of judgments or orders under Section 1, sub-section 1 (*a*) of the Courts (Emergency Powers) Act, 1914,(**a**) shall include proceedings by way of judgment summonses.

2. The forms in the Appendix hereto, with such modifications as may be necessary, shall be used on applications to County Courts under the said Act.

Haldane, C.

The 17th day of September, 1914.

APPENDIX.

Form I.

The Courts (Emergency Powers) Act, 1914.

Notice of Application for leave to proceed to execution on or otherwise for the enforcement of a judgment or an order, under paragraph (*a*).

(1.)

Where judgment or order already given or made.

The Courts (Emergency Powers) Act, 1914.

In the County Court of holden at
No. of Plaint

Between

A.B. Plaintiff

and

C.D. Defendant.

Take Notice, that I [*or* we] intend to apply under the Courts (Emergency Powers) Act, 1914, to the Court [*where application is intended to be made to the Registrar at his office add,* at the office of the Registrar situate at] on the day of at the hour of in the noon, for an order that I [*or* we] may be at liberty to proceed to execution on the judgment [*or* order] given [*or* made] against you the Defendant in this action [*or* matter] on the day of , for the payment of the sum of £ and £ costs,

[*or, if the application is for the enforcement of the judgment or order otherwise than by way of execution,*

for an order that I [*or* we] may be at liberty to proceed to the enforcement of the judgment [*or* order] given [*or* made] against you the Defendant in this action [*or* matter] on the day of for the payment of the sum of £ and £ costs, by

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(**a**) Printed at p. 35 above.

(*state the proceedings which the applicant desires to take*)]
and for an order providing for the costs of the application.

Dated this day of

Plaintiff.

[*or*

Plaintiff's Solicitor.]

To the Registrar of the Court, and

To the Defendant (*naming him*)

NOTE.—The effect of the above-mentioned Act is to prevent execution on or the enforcement of the judgment or order in question if the Court is of opinion that you the Defendant are unable immediately to make the payment thereby directed by reason of circumstances attributable directly or indirectly to the present war. It is for you to attend in person or by your solicitor at the time and place above mentioned and show this to the Court if it is the case.

(2.)

Where judgment or order not yet given or made.

The Courts (Emergency Powers) Act, 1914.

In the County Court of holden at

No. of Plaint

Between

A.B. Plaintiff

and

C.D. Defendant.

Take Notice, that on the entry of any judgment or the making of any order in this action [*or* matter] for the payment or recovery of a sum of money by or from you the Defendant I [*or* we] intend without any further notice to apply to the Court under the Courts (Emergency Powers) Act, 1914, for leave to proceed to execution on such judgment or order and for an order providing for the costs of the application.

[*Or, where a default Summons has been issued, and notice of intention to defend has not been given, or leave to defend has not been obtained,*

Take Notice, that I [*or* we] intend to apply to the Court at the office of the Registrar situate at on the day of at the hour of in the noon, to have judgment entered up in this action.
And further take Notice that I [*or* we] intend at the time and place above mentioned to apply without any further notice to the Court under the Courts (Emergency Powers) Act, 1914, for leave to proceed to execution on or otherwise for the enforcement of such judgment and for an order providing for the costs of the application.]

Dated this day of

Plaintiff

[*or*

Plaintiff's Solicitor.]

To the Registrar of the Court, and

To the Defendant (*naming him*)

NOTE.—The effect of the above-mentioned Act is to prevent execution on or the enforcement of any judgment or order which may be entered or made against you the Defendant in this action [*or* matter] if the Court is of opinion that you are unable immediately to make the payment thereby directed by reason of circumstances attributable directly or indirectly to the present war. It is for you to attend in person or by your solicitor at the time and place above mentioned and show this to the Court if it is the case.

Form II.

SUMMONS UNDER PARAGRAPH (*b*).

In the County Court of holden at .

In the matter of the Courts (Emergency Powers) Act, 1914.

To
of

TAKE NOTICE, that you are hereby summoned to attend this Court [*or if the application is intended to be made to the Registrar*, at the office of the Registrar of this Court situate at] on the day of at the hour of in the noon, on the hearing of an application on the part of of that notwithstanding the provisions of Section 1, subsection 1 (*b*), of the above-mentioned Act the applicant may be at liberty to exercise the following remedy for the purpose of enforcing the payment or recovery of a sum of money due from you to the said [*or* in default of the payment or recovery of a sum of money due from you to the said] that is to say:

(*a*) that the said may be at liberty to levy a distress for rent amounting to due from you to him on premises situate at and known as ; or

(*b*) that the said may be at liberty to take, resume or enter into possession of certain chattels held by you under a hire-purchase agreement made between the said and you the said ; or

(*c*) that the said may be at liberty to resume or enter into possession of certain property situate at ; or

(*d*) that the said may be at liberty to exercise his right of re-entry on certain property situate at and held by you under him; or

(*e*) that the said may be at liberty to foreclose on or to realize a security for the sum of £ given by you to the said ; or

(*f*) that the said may be at liberty to forfeit a deposit of £ made under a contract made between him and you (*state nature of contract*) ; or

(*g*) that the said may be at liberty to enforce the lapse of a certain policy of insurance for the sum of £ granted to you by the said [*or as the case may be*]

and for an order providing for the costs of the said application.

Dated this day of

By the Court
Registrar.

NOTE.—The Courts (Emergency Powers) Act, 1914, provides that during its operation certain remedies for the payment or recovery of money, or in default of the payment or recovery of money (including the remedy above mentioned), shall not be enforced except upon application to the Court, and that if on any such application the Court is of opinion that time should be given to the person liable to make the payment on the ground that he is unable immediately to make the payment by reason of circumstances attributable directly or indirectly to the present war the Court may, in its absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order defer the operation of any such remedies for such time and subject to such conditions as the Court thinks fit.

If you desire to take advantage of the Act you should attend in person or by your solicitor at the time and place above mentioned and satisfy the Court that your inability to pay is due to such circumstances.

If you do not attend either in person or by your solicitor at the time and place above mentioned such order will be made and proceedings taken as the Court may think just and expedient.

DIRECTION, DATED SEPTEMBER 17, 1914, GIVEN BY THE LORD CHANCELLOR PURSUANT TO THE COURTS (EMERGENCY POWERS) ACT, 1914 (4 & 5 GEO. 5, C. 78) AS TO COURTS OF SUMMARY JURISDICTION.

1914. No. $\frac{1413}{\text{L. } 37}$.

The following direction has been given by the Lord Chancellor:—

The Lord Chancellor directs that a Court of Summary Jurisdiction shall be a Court to which application may be made for the purposes of paragraph (*b*) of sub-section (1) of Section 1 of the Courts (Emergency Powers) Act, 1914,(**a**) as a further alternative to the High Court and the County Court in cases where a warrant or other authority from a justice or justices is required before a distress or other remedy can be levied or enforced for the recovery of rates or any other sum to which sub-section (1) of Section 1 of the Courts (Emergency Powers) Act, 1914, applies.

Haldane, C.

17th September, 1914.

ADDITIONAL RULE, DATED SEPTEMBER 18, 1914, MADE BY THE LORD CHANCELLOR UNDER THE COURTS (EMERGENCY POWERS) ACT, 1914 (4 & 5 GEO. 5, C. 78).

1914. No. $\frac{1438}{\text{L. } 39}$.

The Lord Chancellor has made an additional Rule to be cited as Rule 4A of the Rules under the above Act,(**b**) as follows:—

Applications in the King's Bench Division under paragraphs (*a*) and (*b*) shall be dealt with by a Master or a District Registrar.

(**a**) Printed at p 35 above.
(**b**) These Rules are printed at pp. 115–120 above.

3. Procedure in Scotland.

ACT OF SEDERUNT REGULATING PROCEEDINGS UNDER THE COURTS (EMERGENCY POWERS) ACT, 1914 (4 & 5 GEO. 5, c. 78).

1914. No. $\frac{1445}{\text{S. }94}$.

Edinburgh, 28th September, 1914.

The Lords of Council and Session Enact and Declare as follows, viz.:—

I. The expression "the Act" means the Courts (Emergency Powers) Act, 1914(**a**).

The expressions "Paragraph (*a*)" and "Paragraph (*b*)" mean respectively Paragraph (*a*) and Paragraph (*b*) of subsection (1) of Section 1 of the Act.

The expression "creditor" means any person who has obtained or is seeking to obtain any decree for the payment or recovery of a sum of money to which paragraph (*a*) applies, or who is (apart from the provisions of the Act) entitled to enforce any of the remedies mentioned in paragraph (*b*); and the expression "debtor" has a corresponding meaning.

The expression "application" means an application to the Court under Section 1 of the Act.

II. (1) For the purposes of paragraph (*a*) the Court to which application is made shall be the Court by which the decree for the payment or recovery of a sum of money has been given or made or in which it is being sought.

(2) For the purposes of paragraph (*b*) the Court to which application is made shall be any Court which according to present practice has jurisdiction to deal with causes of the nature and value involved in the application.

III. In cases under paragraph (*a*) where a decree has been already granted the application shall be in Form of Schedule I. hereto annexed, which application shall be lodged with the Clerk of Court, who shall grant Warrant for Intimation thereof in Form of Schedule II. hereto annexed, and a copy of said Warrant shall be appended to the service copy of said Application along with a Note in Form of Schedule III. hereto annexed. At the Diet appointed in such Warrant for Intimation the Court shall dispose of such Application or appoint such further procedure as it may deem necessary in order to the disposal thereof.

(2) In cases under paragraph (*a*) where no decree has been already pronounced application may be made at the time of pronouncing such decree, provided that intimation, incorporating *mutatis mutandis* the terms of Schedule III. hereto annexed, of the intention to make such application has previously been given in writing to the debtor at least two clear days before such application is made.

(**a**) Printed at p 35 above.

IV. Applications under paragraph (*b*) to the Court of Session shall be by Petition in the Outer House, and in other Courts by Petition or Initial Writ, provided that it shall not be necessary to set forth any statement of facts *in gremio* of, or appended to, any such Petition or Initial Writ, nor in the Court of Session to print or box such Petition unless the Court shall specially so order; And the procedure following thereon shall be *mutatis mutandis* in the manner set forth in Section 3 hereof, provided the note appended to the service copy of the application shall be in the Form of Schedule IV. in place of Schedule III.

V. The Court may at any stage of the proceedings in an application under the Act order that the case shall be heard *in camera*.

VI. The conditions on which under subsection (2) of Section 1 of the Act a Court may stay execution or defer the operation of any of the remedies therein referred to may, if the Court think fit, include the giving of any undertaking, or the deposit in Court or otherwise of any securities, or payment by instalments, or (in cases before the Court of Session or Sheriff Court) the appointment of a judicial factor or the granting of an interdict.

VII. Any order made under the Act or this Act may, should subsequent circumstances render it just so to do, be recalled, suspended, discharged or otherwise varied or altered on a motion to the Court which made such order, after written intimation to the Creditor or Debtor, as the case may be, of the intention to make such motion.

VIII. No Court fees shall be payable in any proceedings under the Act or under this Act of Sederunt.

IX. The expenses of proceedings under the Act and this Act shall be in the discretion of the Court; and the Court may, if it think fit, award no expenses or may modify the amount thereof.

X. In vacation the Lord Ordinary officiating on the Bills shall have power to deal with all applications to the Court of Session.

Schedules.

SCHEDULE I.

COURTS (EMERGENCY POWERS) ACT, 1914.

Unto [*specify Court.*]

APPLICATION.

FOR

A. B. [*designation*].

A.B. applies to the Court for leave to proceed with diligence for the enforcement of the decree, copy of which is appended hereto [*or otherwise competently produced and referred to*] against the therein designed C.D.

[*Signature of applicant or law-agent or counsel.*]

[*Place and Date.*]

SCHEDULE II.

[*Place and Date*].—The Court grants warrant for intimation and appoints parties to appear on the day of , at o'clock, in [*place*].

[*Signature of the Clerk of Court.*]

SCHEDULE III.

Note.—The effect of the Courts (Emergency Powers) Act, 1914, is to prevent diligence being used for the enforcement of the Decree in question if the Court is of opinion that you are unable immediately to make the payment thereby directed by reason of circumstances attributable directly or indirectly to the present war. It is for you to show this to the Court if it is the case.

SCHEDULE IV.

Note.—The Courts (Emergency Powers) Act, 1914, provides that during its operation certain remedies for the payment or recovery of money (including the remedy above applied for) are not to be taken except on an application to the Court, and that the Court may, in its discretion, defer the exercise of such remedies for such time and subject to such conditions as the Court thinks fit, if of opinion that the inability to make payment is due to circumstances attributable directly or indirectly to the present war. If you desire to take advantage of the Act you should attend by yourself or your counsel or law-agent and satisfy the Court that your inability to pay is due to the war.

Further Note.—It will not be necessary for you to lodge any notice of appearance with the Clerk of Court, but if you do not attend in person or by your counsel or law-agent at the time and place above mentioned, such order will be made and proceedings taken as the judge may think just and expedient.

And the Lords appoint this Act to be inserted in the Books of Sederunt and to be printed and published in common form.

Strathclyde.

4. Procedure in Ireland.

THE COURTS (EMERGENCY POWERS) RULES, 1914, DATED SEPTEMBER 17, 1914, MADE BY THE LORD CHANCELLOR OF IRELAND UNDER THE COURTS (EMERGENCY POWERS) ACT, 1914 (4 & 5, GEO. 5, c. 78).

1914. No. 1411.

Definitions.

1. In these Rules—

The expression "the Act" means the Courts (Emergency Powers) Act, 1914(**a**);

The expressions "paragraph (*a*)" and "paragraph (*b*)" mean respectively paragraph (*a*) and paragraph (*b*) of sub-section (1) of section one of the Act;

The expression "creditor" means any person who has obtained or is seeking to obtain any judgment or order for the payment or recovery of a sum of money to which paragraph (*a*) applies, or who is (apart from the provisions of the Act) entitled to enforce any of the remedies mentioned in paragraph (*b*); and the expression "debtor" has a corresponding meaning.

The expression "application" means an application to the Court under section one of the Act.

(**a**) Printed at p. 35 above.

Courts by which Powers under Act are to be Exercised.

2. For the purposes of paragraph (*a*) the Court to which application is made shall be the Court by which the judgment or order for the payment or recovery of a sum of money has been given or made or in which it is being sought.

3. For the purposes of paragraph (*b*)—

(1) In cases where any action, suit, or other proceeding (including any action in ejectment for non-payment of rent) shall be instituted by a creditor (whether as landlord, mortgagee or otherwise) to obtain a judgment, decree or order of a Court of appropriate jurisdiction adjudging him entitled to any such right or remedy as is mentioned in paragraph (*b*)—

The Court to which application is made shall be the Court in which any such action, suit or proceeding shall be instituted or is being heard.

(2) In cases where a creditor intends to exercise any remedy mentioned in paragraph (*b*) which he claims to be entitled to exercise without previously instituting any action, suit or proceeding in any Court for the purpose of having his right thereto adjudicated upon—

The Court to which application is to be made may be—

(*a*) in any case, the High Court;

(*b*) alternatively, in cases where the value of the subject-matter (as hereinafter defined) of the application does not exceed one hundred pounds, the County Court; and

(*c*) as a further alternative, in the case of distress for rent where the aggregate rent payable under the lease or contract of tenancy under which the rent sought to be distrained for is claimed would not exceed the rate of £15 a year if the letting continued for a year, or in cases where it is sought to enforce either the lapse of a policy to which sub-section (1) of section one of the Act applies, or a hire-purchase agreement the original liability on which does not exceed twenty pounds, a Court of Summary Jurisdiction.

(3) For the purposes of this Rule, the value of the subject-matter of an application shall be deemed to be—

in the case of an application for leave to levy distress, the amount for which distress is proposed to be levied;

in the case of an application for leave to take, resume, or enter into possession of any property, or to exercise any right of re-entry, including cases of recovery or possession of land for non-payment of rent, the amount of the sum or rent sought to be recovered;

in the case of an application for leave to foreclose, or realise any security, the amount of the principal sum secured;

in the case of an application for leave to forfeit any deposit, the total amount payable in respect of which the deposit has been made; and

in the case of an application for leave to enforce the lapse of a policy of insurance to which sub-section (1) of section one of the Act applies, the amount ultimately recoverable under the policy.

(4) Applications shall, in the absence of special circumstances, be made to a County Court or to a Court of Summary Jurisdiction, as the case may be, where application to such a Court is permitted by this Rule.

The Court may order any increased costs occasioned by disregard of this sub-rule to be borne by the applicant.

Where an application is made to the High Court which in the opinion of that Court ought to have been made to a County Court or to a Court of Summary Jurisdiction, the case may, if thought fit, be remitted or transferred to the proper Court; and where an application is made to a County Court which in the opinion of that Court ought to have been made to a Court of Summary Jurisdiction, the County Court may remit or transfer the case to a Court of Summary Jurisdiction.

Mode of Application under Paragraph (a).

4.—(1) In cases under paragraph (*a*) when a judgment or order has been already made application shall be made as follows:—

To the High Court by summons, to be served at such time and in such manner and to be dealt with according to such practice generally as may be in conformity with the practice of the Court, or division of the Court, in question.

To the County Court by notice of motion, to be served upon the debtor in the manner prescribed for the service of notices by the County Courts (Ireland) Orders, 1890, or any amendment thereof, three clear days before the first day of the sessions in the place at which such application is to be heard unless the County Court shall, in any case where special circumstances in the opinion of the Court exist, permit such other service as shall appear just to such Court.

To a Court of Summary Jurisdiction by a summons to be served in the manner and within the time prescribed for the service of ordinary summonses to said Court.

Every such summons or notice shall be entitled in the matter of the action or proceeding in which such judgment or order has been made, and of "The Courts (Emergency Powers) Act, 1914," and the substance of the proposed application and the time and place of making same having been stated therein, there shall be appended to every such summons or notice the note in Form I. in the Schedule to these Rules.

(2) In cases under paragraph (*a*) where no judgment or order has been already made, application may be made at the time of the making of the judgment or order without any summons:

Provided that unless the debtor is actually present by himself or his solicitor at the time of the making of the judgment or order such application shall not be entertained unless the creditor shall have served on the debtor, in accordance with the practice of the Court in question as to the service of summonses, a notice of intention to make the application, which shall be in the form or to the effect set out in Form II. in the Schedule to these Rules.

(3) Any such notice as in sub-rule (2) of this Rule mentioned may be served either with the writ, civil bill, summons or other document originating the proceedings or at any later time not being less than two clear days before the making of the judgment or order unless in any case the Court shall otherwise order.

(4) The practice of the Court in question as to the time and place and method of service and as to substituted service and otherwise shall apply to the service of a notice under this Rule as if such notice were a summons.

Mode of Application under Paragraph (b).

5.—(1) (*a*) In cases to which sub-rule (1) of Rule 3 aforesaid applies, an application for leave to execute or otherwise enforce any judgment, decree or order therein mentioned may be made by the creditor at the time of making such judgment, decree or order, without any summons or notice, if the Debtor shall then be actually present by himself or his solicitor, but otherwise no such application shall be entertained at the time aforesaid, unless the Creditor shall have previously served upon the Debtor, in accordance with the practice of the Court in question as to the service of summonses or notices, a notice of intention to make the application, which shall be in the form or to the effect set out in Form II. in the Schedule to these Rules, and may be served with the writ, civil bill, summons or other document originating the proceedings or at any later time, not being less than two clear days before the making of the judgment decree or order, unless in any case the Court shall otherwise order.

(*b*) If such application is not made until after the making of such judgment, decree or order as aforesaid, the mode and form of application shall *mutatis mutandis* be that prescribed by Rule 4 (1) hereof.

(2) In cases to which sub-rule (2) of Rule 3 applies:—

Applications if made to the High Court—

(*a*) Shall be made by way of originating summons and shall be dealt with in chambers in accordance with the practice of the division of the High Court in which the application is made, but any such application may be adjourned into court at any stage of the proceedings or during the hearing.

(*b*) Application shall be to the Division of the High Court which ordinarily deals with subject matters similar to the subject matter of the application. Any application made in contravention of this sub-rule may be remitted to the proper division, but may, if it is thought fit, notwithstanding anything in this sub-rule, be dealt with by the division in which it is made.

(*c*) The debtor shall not be required to enter any appearance to any such originating summons as aforesaid, and service of same shall be made as in the case of summonses other than originating summonses under Order 54, Rule 5 of the Rules of the Supreme Court (Ireland) 1905.

(*d*) Any originating summons under this rule shall be in the form or to the effect of Form III. in the Schedule to these Rules. In particular it shall have a note as to the effect of the Act subjoined to it in the form or to the effect shown in Form III.

Applications if made to the County Court:—

(*a*) Shall be heard at the ordinary sittings of the County Court for each division of the County or of the Recorder's Court for a County Borough.

(*b*) Every such application shall be made in the division of the County where the Debtor resides unless the Judge shall otherwise direct on being satisfied that same can be more conveniently heard in any other division.

(*c*) Every such application shall be grounded on an originating notice entitled in the matter of "The Courts (Emergency Powers) Act, 1914," in the form or to the effect set out in Form IV. in the Schedule to these Rules.

(*d*) A copy of such originating notice shall be served upon the Debtor therein named not less than six clear days before the first day of the sessions in the place in which such application is to be heard. Such service may be effected by any of the modes prescribed or allowed by the rules of the County Court for the service of an equity or ordinary civil bill, and the original and a copy of every such originating notice shall be lodged with the Clerk of the Peace in his office on or before the date prescribed for the entering of civil bills for the sessions mentioned in such notice.

Applications if made to a Court of Summary Jurisdiction—

Shall be made by means of a summons entitled in the matter of "The Courts (Emergency Powers) Act, 1914," and shall be served and dealt with by the court according to its ordinary practice as far as applicable.

There shall be appended to every such summons a note stating the effect of the Act in terms similar to those of the Note appended to Form III. in the Schedule to these Rules.

Proceedings in Bankruptcy.

6. In all cases where a petition in bankruptcy has been presented under sub-section 6 of Section 21 of the Bankruptcy (Ireland) Amendment Act, 1872, no adjudication shall be made until the expiration of seven clear days after the service of notice

by the petitioning creditor on the debtor of the presentation of such petition, such notice to be in form V. to the Schedule hereto or to the like effect. And the debtor shall be entitled before the expiration of said period to apply to the court to stay further proceedings on satisfying the court that he is entitled to relief under the Act.

7. Every application under Rule 6 and all other applications made under the Act to a Judge sitting in bankruptcy by a debtor to stay any proceedings to which the Act applies shall ordinarily be made by motion on notice, to be served at least two clear days before the hearing of such application, or may be made at any time summarily by leave of the Judge.

8. Service of any notice required to be given by Rules 6 or 7 may be effected personally on the opposite party or his agent or by prepaid registered letter addressed to the opposite party by post at his usual or known address.

Evidence in support of Application.

9. It shall not be necessary in the first instance for a creditor to support any application either under paragraph (*a*) or under paragraph (*b*) by any affidavit or other evidence except such evidence, if any, as may be required to show the nature and extent of the relief required by him. But if any contest arises between the parties the court to which the application is made may make such requirements or give such directions as to evidence on the part of either party or both parties as the case shall require.

Power to hear Cases in private.

10. The court may at any stage of the proceedings, on an application under the Act, order that the case shall thenceforward be heard in private.

Power to require Security.

11. The conditions on which, under sub-section (2) of Section 1 of the Act a court *may stay execution* or defer the operation of any of the remedies therein referred to, may, if the court thinks fit, include the giving of any undertaking or the deposit in court or otherwise of any securities or (in the case of the High Court or a county court) the appointment of a receiver or the granting of an injunction.

Power to revoke or vary Orders.

12. Any order made under the Act or these rules may, should subsequent circumstances render it just so to do, be suspended, discharged, or otherwise varied or altered on application by summons to the court which made such order.

Fees.

13. The following fees shall be payable under these rules, that is to say:—

On any originating summons in the High Court, 2*s.*; on any other summons, 6*d.*

On any originating notice in a county court, 1*s.*

On any summons in a court of summary jurisdiction, 6*d.*

Provided that any court to which an application is made under the Act may remit or excuse in whole or part any court fees paid or payable under this rule in respect of the application.

Ordinary Practice of Court to be followed.

14. The proceedings on any application under the Act shall, so far as not expressly provided for by these rules, be conducted in accordance with the ordinary practice of the court to which the application is made in dealing with similar matters.

Costs.

15. The costs of any application under the Act shall be in the absolute discretion of the court; and the court may, if it thinks fit, fix the amount of the costs, and direct that they shall be payable forthwith.

Short Title and Commencement.

16. These Rules may be cited as the Courts (Emergency Powers) Rules, 1914, and shall come into operation forthwith.

Dated the 17th of September, 1914.

Ignatius J. O'Brien, C.

SCHEDULE.

FORM I.—*Form of Note to be appended to every Summons or Notice required to be served upon a Debtor by Rules* 4 (1) (2); 5 (1).

Note.—The effect of the above-mentioned Act is to prevent execution on or enforcement of the judgment or order in question if the Court is of opinion that you are unable immediately to make payment to satisfy same by reason of circumstances attributable directly or indirectly to the present war. It is for you to show this to the Court, if it is the case, by appearing personally, or by being professionally represented, in Court, on the hearing of the foregoing application.

FORM II.—*Form of Notice under Rules* 4 (2) *and* 5 (1 *a*).

(TITLE OF PROCEEDINGS.)

TAKE NOTICE that on the occasion of the making of any judgment or order herein in my (our) favour against you to which Section 1 of The

Courts (Emergency Powers) Act, 1914, applies, I (we) intend to make without further notice an application to the Court under said Act for leave of the Court to proceed to execution on or otherwise for the enforcement of any such judgment or order.

Dated this *day of*

Signed by or on behalf of the above-named Applicant.

....

To the above-named A.B., of
(The Debtor).

(Add Note in Form I.)

FORM III.—*Form of Originating Summons Rule* 5 (2).

IN THE HIGH COURT OF JUSTICE IN IRELAND,
DIVISION.

(If in Chancery add the name of Judge.)

In the Matter of "The Courts (Emergency Powers) Act, 1914."

Let A.B., of , attend (if in Chancery Division add—" at the chambers of.........(name of judge) at the time specified in the margin hereof ") (or in King's Bench Division add—" the judge in chambers on the day of , at o'clock in the forenoon ") at the Four Courts, Dublin, on the hearing of an application on the part of C.D., of , that notwithstanding the provisions of sec. 1, sub-sec. 1 (*b*) of the above mentioned Act the applicant may be at liberty to exercise the following remedy for enforcing the payment or recovery of money by or from you or in default of such payment or recovery that is to say [may be at liberty to levy a distress for rent amounting to £ on property situate at.................; *or*, to take, resume or enter into possession of property situate at.................; *or*, to forfeit a deposit of £ made on the occasion of (state the nature of the contract) *or*, as the case may be.]

Dated *day of*

To
A.B., of

This summons was taken out by , of (registered place of business), Solicitor for the above-named C.D., who resides at ; *or*, This summons was taken out by the said C.D., who resides at .

Note.—The Courts (Emergency Powers) Act, 1914, provides that during its operation certain remedies for the payment or recovery of money (including the remedy above mentioned) are not to be taken or executed except on an application to the Court and that the Court may in its discretion defer the exercise of such remedies for such time and subject to such conditions as the Court think fit, if of opinion that the inability to make payment is due to circumstances attributable directly or indirectly to the present war. If you desire to take advantage of the Act you should attend by yourself or your solicitor and satisfy the Court that your inability to pay is due to the war.

Further Note.—It will not be necessary for you to enter an appearance in the Office, but if you do not attend either in person or by your solicitor at the time and place above mentioned [or at the time mentioned in the endorsement hereon] such order will be made and proceedings taken as the judge may think just and expedient.

FORM IV.—*Form of Originating Notice, County Court, under Rule 5 (2).*

County of

Division of

In the Matter of "The Courts (Emergency Powers) Act, 1914."

TAKE NOTICE that at the Sessions of the County Court to be held for said County and Division at on the day of an application will be made to the Court on the part of A.B., of , that notwithstanding the provisions of sec. 1, sub-sec. 1 (*b*), of the above mentioned Act the applicant may be at liberty to exercise the following remedy for enforcing payment or recovery by or from you of money or in default of such payment or recovery, that is to say [may be at liberty to levy a distress for rent amounting to £ on property situate at ; *or*, to tax, resume or enter into possession of property situate at ; *or* to forfeit a deposit of £ made on the occasion of (state the nature of the contract); *or*, as the case be].

Dated this day of

Signed by or on behalf of the above-named A.B..

....

This Notice is addressed to you C.D., of , alleged to be a Debtor of the said A.B., within the meaning of the said Act.

Note.—The Courts (Emergency Powers) Act, 1914. provides that during its operation certain remedies for the payment or recovery of money (including the remedy above mentioned) are not to be taken or executed except on an application to the Court and that the Court may in its discretion defer the exercise of such remedies for such time and subject to such conditions as the Court thinks fit, if of opinion that the inability to make payment is due to circumstances attributable directly or indirectly to the present war. If you desire to take advantage of the Act you should attend by yourself or your solicitor at the hearing of the foregoing application at the sessions to be held at the time and place aforesaid and satisfy the Court that your inability to pay is due to the war. If you do not so attend, such order will be made and proceedings taken as the judge may think just and expedient.

FORM V.—*Form of Notice under Rule 6.*

IN THE HIGH COURT OF JUSTICE IN IRELAND, KING'S BENCH DIVISION (IN BANKRUPTCY).

In the Matter of "The Courts (Emergency Powers) Act, 1914."

WHEREAS on the day of 191 , I (we), of caused a petition in bankruptcy to be presented in this Honourable Court against you for the purpose of having you adjudicated bankrupt on the grounds stated in said Petition. Now you are hereby required to take notice that unless within seven clear days from the service of this notice you apply to the Court to stay further proceedings on said petition on the ground that you are entitled to relief under the provisions of the above-mentioned Act (the effect of which is stated in the Note appended hereto) I (we) will proceed on said Petition to have you so adjudicated bankrupt without further notice.

Dated

Signed by or on behalf of the above-named Petitioning Creditors,

....

To

A.B., of

Note.—The Courts (Emergency Powers) Act, 1914, sec. 1, sub-section (3) enacts:—

Where a bankruptcy petition has been presented against any debtor, and the debtor proves to the satisfaction of the court having jurisdiction in bankruptcy that his inability to pay his debts is due to circumstances attributable, directly or indirectly, to the present war, the court may, in its absolute discretion, after considering all the circumstances of the case and the position of all the parties, at any time stay the proceedings under the petition for such time and subject to such conditions as the court thinks fit.

CURRENCY AND BANK NOTES.

The following are the arrangements made in accordance with the provisions of the Currency and Bank Notes Act, 1914,(**a**) for placing currency notes at the disposal of the Banks for meeting exceptional demands.

(1) *England and Wales.*

Currency notes are issued through the Bank of England to bankers as and when required up to a maximum limit not exceeding, in the case of any bank, 20 per cent. of its liabilities on deposit and current accounts.

The amount of notes issued to each Bank is treated as an advance by the Treasury to that Bank bearing interest from day to day at the current Bank rate, the security for the Treasury advance consisting of a floating charge on the assets of the Bank up to the amount of the notes issued. The Bank is permitted to repay the whole or any part of any advance at any time. Any amount repaid can be renewed if and when necessity arises, provided that the total amount outstanding at any one time does not exceed the authorised percentage of the Bank's liabilities.

Any sums received by the Bank of England in repayment of advances are either applied forthwith to cancelling any currency notes which have been returned from circulation and are for the time being in the hands of the Bank of England, or, in so far as any such sums may exceed the amount of currency notes returned from circulation in the hands of the Bank of England at the time of receipt, are carried to a separate account in the books of the Bank of England and applied to the cancellation of notes as when they return from circulation.

In order to give the Banks the advantage of the credit allowed under this arrangement even though actual currency may not be required, it is proposed by the amending Bill(**b**) to take power to issue certificates in lieu of actual notes.

The effect of the issue of these certificates will be that the Banks will be able to obtain credits with the Bank of England on the same terms as currency notes and the expense of printing and handling notes will be avoided except in so far as the notes may be required for actual circulation.

(**a**) 4 & 5 Geo. 4. c. 14, printed at p. 9 above.

(**b**) This Bill passed into law as the Currency and Bank Notes (Amendment) Act, 1914 (c. 72), printed at p. 29 above.

(2) *Scotland and Ireland.*

The arrangement in England and Wales applies generally to Scotland and Ireland, but in the case of Banks of Issue in Scotland and Ireland currency notes, instead of being issued to the public, are used as cover for the Banks' own notes. This arrangement has in practice the effect of enabling the Scottish and Irish Banks of Issue to exceed the normal limits of issue of fiduciary notes so long as such excess issues are covered by currency notes.

The new certificates will also be available for the purpose of cover for these issues.

A Return of currency notes issued and in circulation will be published each Friday in the London, Edinburgh and Dublin Gazettes in the following form:—

I.—ISSUE ACCOUNT.

Total Issues, as shown in last statement:—		Notes cancelled as shown in last statement:—		
£1		£1 ...		
10*s*.		10*s*. ...		
Issue during the week		Cancelled during the week:—		
		£1 ...		
		10*s*. ...		
		Total ...		
		Outstanding:—		
		£1 ...		
		10*s*. ...		
Total				

II.—BALANCE SHEET.

Notes outstanding ...		Advances:—	
		Scottish and Irish Banks of Issue ...	
		Other Bankers ...	
		Post Office Savings Bank	
		Trustee Savings Banks	
		Currency Note Redemption Account	

"DAYS OF GRACE" TO ENEMY SHIPS

ORDER IN COUNCIL RELATING TO THE DETENTION OF GERMAN SHIPS IN BRITISH PORTS OR IN ANY PORTS OF ANY NATIVE STATE IN INDIA, OR IN ANY OF HIS MAJESTY'S PROTECTORATES, OR IN ANY STATE UNDER HIS MAJESTY'S PROTECTION OR IN CYPRUS.(a) (b)

1914. No. 1248.

At the Court at Buckingham Palace, the 4th day of August, 1914.

PRESENT:

The King's Most Excellent Majesty in Council.

His Majesty being mindful, now that a state of war exists between this country and Germany,(c) of the recognition accorded to the practice of granting "days of grace" to enemy merchant ships by the Convention relative to the Status of Enemy Merchant Ships at the Outbreak of Hostilities, signed at the Hague on the 18th October, 1907, (d) and being desirous of lessening, so far as may be practicable, the injury caused by war to peaceful and unsuspecting commerce, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. From and after the publication of this Order no enemy(a) merchant ship shall be allowed to depart, except in accordance with the provisions of this Order, from any British port or from any ports in any Native State in India, or any of His Majesty's Protectorates, or in any State under His Majesty's protection or in Cyprus.

2. In the event of one of His Majesty's Principal Secretaries of State being satisfied by information reaching him not later than midnight on Friday, the seventh day of August that the treatment accorded to British merchant ships and their cargoes which at the date of the outbreak of hostilities were in the ports of the enemy or which subsequently entered them is not less favourable than the treatment accorded to enemy(a) merchant ships by Articles 3 to 7 of this Order, he shall notify the Lords Commissioners of His Majesty's Treasury and the Lords Commissioners of the Admiralty accordingly, and public notice thereof shall forthwith be given in the

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(a) Article 3 of the Order in Council of August 12th, 1914, printed at p. 97 above, under the heading "AUSTRIA-HUNGARY," provides that the Order in Council of August 4th is to be read as if the word "enemy" as applied to either ships or cargo shall, as from August 12th, 1914, be deemed to include Austro-Hungarian ships or cargo.

(b) This Order was published in the "London Gazette" of August 5th, 1914, being the 1st Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" of August 6th, 1914, being the 2nd Supplement to the Gazette of August 4th, and in the "Dublin Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th.

(c) *See* Notification of a State of War, printed at p. 1 above.

(d) Convention VI. (Status of Enemy Merchant Ships) of the Hague Convention of 1907 is printed in Appendix G at p. 442 below.

"London Gazette,"(a) and Articles 3 to 8 of this Order shall thereupon come into full force and effect.

3. Subject to the provisions of this Order, enemy merchant ships which

(i) At the date of the outbreak of hostilities were in any port in which this Order applies: or

(ii) Cleared from their last port before the declaration of war, and after the outbreak of hostilities, enter a port to which this Order applies, with no knowledge of the war:

shall be allowed up till midnight (Greenwich mean time) on Friday, the fourteenth day of August, for loading or unloading their cargoes, and for departing from such port:

Provided that such vessels shall not be allowed to ship any contraband of war, and any contraband of war already shipped on such vessels must be discharged.

4. Enemy merchant ships which cleared from their last port before the declaration of war, and which with no knowledge of the war arrive at a port to which this Order applies after the expiry of the time allowed by Article 3 for loading or unloading cargo and for departing, and are permitted to enter, may be required to depart either immediately, or within such time as may be considered necessary by the Customs Officer of the port for the unloading of such cargo as they may be required or specially permitted to discharge.

Provided that such vessels may, as a condition of being allowed to discharge cargo, be required to proceed to any other specified British port, and shall there be allowed such time for discharge as the Customs Officer of that port may consider to be necessary.

Provided also that, if any cargo on board such vessel is contraband of war or is requisitioned under Article 5 of this Order, she may be required before departure to discharge such cargo within such time as the Customs Officer of the port may consider to be necessary; or she may be required to proceed, if necessary under escort, to any other of the ports specified in Article 1 of this Order, and shall there discharge the contraband under the like conditions.

5. His Majesty reserves the right recognised by the said Convention to requisition at any time subject to payment of compensation enemy cargo on board any vessel to which Articles 3 and 4 of this Order apply.

6. The privileges accorded by Articles 3 and 4 are not to extend to cable ships, or to sea-going ships designed to carry oil fuel, or to ships whose tonnage exceeds 5,000 tons gross, or whose speed is 14 knots or over, regarding which the entries in Lloyd's Register shall be conclusive for the purposes of this Article. Such vessels will remain liable on adjudication by the Prize Court to detention during the period of the war, or to requisition, in accordance, in

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(a) *See* Notification of the Secretary of State for Foreign Affairs of August 7th, 1914, as to treatment of British merchant ships and their cargoes in German ports, printed at p. 141 below, and Notification of August 15th, 1914, as to treatment of British merchant ships and their cargoes in Austro-Hungarian ports, printed at p. 142 below.

either case, with the Convention aforesaid. The said privileges will also not extend to merchant ships which show by their build that they are intended for conversion into warships, as such vessels are outside the scope of the said Convention, and are liable on adjudication by the Prize Court to condemnation as prize.

7. Enemy merchant ships allowed to depart under Articles 3 and 4 will be provided with a pass indicating the port to which they are to proceed, and the route they are to follow.

8. A merchant ship which, after receipt of such a pass, does not follow the course indicated therein will be liable to capture.

9. If no information reaches one of His Majesty's Principal Secretaries of State by the day and hour aforementioned to the effect that the treatment accorded to British merchant ships and their cargoes which were in the ports of the enemy at the date of the outbreak of hostilities, or which subsequently entered them, is, in his opinion, not less favourable than that accorded to enemy merchant ships by Articles 3 to 8 of this Order, every enemy merchant ship which, on the outbreak of hostilities, was in any port to which this Order applies, and also every enemy merchant ship which cleared from its last port before the declaration of war, but which, with no knowledge of the war enters a port to which this Order applies, shall, together with the cargo on board thereof, be liable to capture, and shall be brought before the Prize Court forthwith for adjudication.

10. In the event of information reaching one of His Majesty's Principal Secretaries of State that British merchant ships which cleared from their last port before the declaration of war, but are met with by the enemy at sea after the outbreak of hostilities, are allowed to continue their voyage without interference with either the ship or the cargo, or after capture are released with or without proceedings for adjudication in the Prize Court, or are to be detained during the war or requisitioned in lieu of condemnation as prize, he shall notify the Lords Commissioners of the Admiralty accordingly, and shall publish a notification thereof in the "London Gazette," and in that event, but not otherwise, enemy merchant ships which cleared from their last port before the declaration of war, and are captured after the outbreak of hostilities and brought before the Prize Courts for adjudication, shall be released or detained or requisitioned in such cases and upon such terms as may be directed in the said notification in the "London Gazette."

11. Neutral cargo, other than contraband of war, on board an enemy merchant ship which is not allowed to depart from a port to which this Order applies, shall be released.

12. In accordance with the provisions of Chapter III of the Convention relative to certain Restrictions on the Exercise of the Right of Capture in Maritime War, signed at The Hague on the 18th October, 1907,(a) an undertaking must, whether the merchant ship is allowed to depart or not, be given in writing by each of the officers and members of the crew of such vessel, who

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(a) Convention XI. (Right of Capture in Maritime War) of the Hague Convention of 1907 is printed in Appendix G at p. 442 below.

is of enemy nationality, that he will not, after the conclusion of the voyage for which the pass is issued, engage while hostilities last in any service connected with the operation of the war. If any such officer is of neutral nationality, an undertaking must be given in writing that he will not serve, after the conclusion of the voyage for which the pass is issued, on any enemy ship while hostilities last. No undertaking is to be required from members of the crew who are of neutral nationality.

Officers or members of the crew declining to give the undertakings required by this Article will be detained as prisoners of war.

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, and all Governors, Officers, and Authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

Almeric FitzRoy.

NOTIFICATION OF THE SECRETARY OF STATE FOR FOREIGN AFFAIRS AS TO THE TREATMENT ACCORDED TO BRITISH MERCHANT SHIPS AND THEIR CARGOES IN GERMAN PORTS.(**a**)

On the night of August 4th, 1914, the Secretary of State received the following notice from the German Ambassador:—

> "The Imperial Government will keep merchant vessels flying the British flag interned in German harbours, but will liberate them if the Imperial Government receive a counter undertaking from the British Government within forty-eight hours."

On August 5th a copy of the Order in Council issued on August 4th(**b**) as to the treatment of enemy merchant vessels in British ports at the date of the outbreak of hostilities was communicated to the Ambassador of the United States in London, who was then in charge of German interests in this country, with a request that he would be so good as to cause enquiry to be made of the German Government as to whether the terms of Articles III. to VIII. of the Order in Council constituted an undertaking of the nature the German Government required, and under which they would liberate merchant vessels flying the British flag interned in German harbours.

On August 7th a communication was received from the United States Embassy that the United States Minister at Stockholm had

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(**a**) This Notice was published in the "London Gazette" of August 8th, 1914, being the 1st Supplement to the Gazette of August 7th; in the "Edinburgh Gazette" of August 10th, 1914, being the 2nd Supplement to the Gazette of August 7th; and in the "Dublin Gazette" of August 10th, 1914, being the 2nd Supplement to the Gazette of August 7th.

(**b**) Printed at pp. 138 above.

sent the following telegram signed by the United States Ambassador at Berlin:—

> "Please state if England has issued Proclamation that she gives permission to enemy ships to leave British ports until midnight, August 14th. If this is so, Germany will issue corresponding orders. Reply through German Legation, Stockholm."

The United States Embassy added that they did not believe that this telegram was a reply to the message which had been transmitted to Berlin.

On enquiry at the United States Embassy shortly before midnight it was ascertained that no further communication had been received from Berlin.

The Secretary of State for Foreign Affairs has therefore no information as to the treatment accorded to British merchant ships and their cargoes in German ports, and has accordingly addressed the undermentioned notification to the Lords Commissioners of the Treasury and to the Lords Commissioners of the Admiralty.

Foreign Office, S.W.,
Midnight, August 7th, 1914.

MY LORDS,

I have the honour to state that no information has reached me that the treatment accorded to British merchant ships and their cargoes which were in German ports at the date of the outbreak of hostilities or which subsequently entered them is not less favourable than that accorded to enemy merchant ships by Articles III. to VIII. of the Order in Council issued on the 4th day of August, 1914,(**a**) with reference to enemy ships being in British ports at the outbreak of hostilities or subsequently entering them. Articles III. to VIII. of the said Order in Council will therefore not come into operation.

I have the honour to be,
My Lords,
Your Lordships' most obedient humble servant,

E. GREY.

NOTIFICATION OF THE SECRETARY OF STATE FOR FOREIGN AFFAIRS AS TO THE TREATMENT ACCORDED TO BRITISH MERCHANT SHIPS AND THEIR CARGOES IN AUSTRO-HUNGARIAN PORTS.(b)

The Secretary of State for Foreign Affairs has received information of a nature to satisfy him that the treatment accorded to British merchant ships and their cargoes in Austro-Hungarian ports is not less favourable than that accorded to Austro-Hungarian merchant ships and their cargoes in British ports, and he

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(**a**) Printed at p. 138 above.

(**b**) This Notice was published in the "London Gazette" of August 16th, 1914, being the 2nd Supplement to the Gazette of August 14th; in the "Edinburgh Gazette" of August 18th, 1914; and in the "Dublin Gazette" of August 18th, 1914.

has accordingly addressed the undermentioned notification to the Lords Commissioners of the Treasury and to the Lords Commissioners of the Admiralty.

Foreign Office, S.W.,
August 15, 1914.

MY LORDS,

I have the honour to state that information has reached me of a nature to satisfy me that the treatment accorded to British merchant ships and their cargoes which were in Austro-Hungarian ports at the date of the outbreak of hostilities, or which subsequently entered them, is not less favourable than that accorded by Articles 3 to 8 of the Order in Council issued on the 4th day of August, 1914,(**a**) with reference to enemy ships being in British ports at the outbreak of hostilities, or subsequently entering them, which was extended so as to apply to Austro-Hungarian merchant ships by His Majesty's Proclamation issued on the 12th day of August, 1914.

Articles 3 to 8 of the said Order in Council, as extended by the Proclamation dated the 12th August, 1914, will therefore come into full force and effect with regard to Austro-Hungarian merchant ships.

I have the honour to be,
My Lords,
Your Lordships' most obedient,
humble Servant,

E. GREY.

DECLARATION OF LONDON.

ORDER IN COUNCIL ADOPTING, DURING THE PRESENT HOSTILITIES, THE PROVISIONS OF THE CONVENTION KNOWN AS THE "DECLARATION OF LONDON" WITH ADDITIONS AND MODIFICATIONS.(**b**)

1914. No. 1260.

At the Court at Buckingham Palace, the 20th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas during the present hostilities the Naval Forces of His Majesty will co-operate with the French and Russian Naval Forces, and

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(**a**) Printed at p. 138 above.

(**b**) This Order was published in the "London Gazette" of August 22nd, 1914, being the 1st Supplement to the Gazette of August 21st; in the "Edinburgh Gazette" of August 24th, 1914, being a Supplement to the Gazette of August 21st; and in the "Dublin Gazette" of August 25th, 1914.

Whereas it is desirable that the naval operations of the allied forces so far as they affect neutral ships and commerce should be conducted on similar principles, and

Whereas the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the Convention known as the Declaration of London, signed on the 26th day of February, 1909,(**a**) so far as may be practicable.

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that during the present hostilities the Convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty:—

The additions and modifications are as follows:—

(1) The lists of absolute and conditional contraband contained in the Proclamation dated August 4th, 1914,(**b**) shall be substituted for the lists contained in Articles 22 and 24 of the said Declaration.(**a**)

(2) A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

(3) The destination referred to in Article 33 may be inferred from any sufficient evidence, and (in addition to the presumption laid down in Article 34) shall be presumed to exist if the goods are consigned to or for an agent of the Enemy State or to or for a merchant or other person under the control of the authorities of the Enemy State.

(4) The existence of a blockade shall be presumed to be known:—

(*a*) to all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade,

(*b*) to all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.

(5) Notwithstanding the provisions of Article 35 of the said Declaration,(**a**) conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

(6) The General Report of the Drafting Committee on the said Declaration presented to the Naval Conference and adopted by the Conference at the eleventh plenary meeting on February 25th,

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(**a**) The Declaration of London is printed in Appendix H. at pp. 447–463 below.

(**b**) This Proclamation is printed under the heading "CONTRABAND OF WAR," at p. 108 above. The list therein of Conditional Contraband was varied by the Proclamation of September 21st, 1914, printed at p. 111 above under the same heading. A List of Contraband Goods is printed in Appendix A III., at p. 407 below.

1909,(a) shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such Courts shall construe and interpret the provisions of the said Declaration by the light of the commentary given therein.

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

Almeric FitzRoy.

DEFENCE OF THE REALM.

Proclamation, dated August 4, 1914, regarding the Defence of the Realm.(b)

1914. No. 1249.

By the King.

A Proclamation regarding the Defence of the Realm.

George R.I.

Whereas by the law of Our Realm it is Our undoubted prerogative and the duty of all Our loyal subjects acting in Our behalf in times of imminent national danger to take all such measures as may be necessary for securing the public safety and the defence of Our Realm :

And whereas the present state of public affairs in Europe is such as to constitute an imminent national danger :

Now, therefore, We strictly command and enjoin Our subjects to obey and conform to all instructions and regulations which may be issued by Us or Our Admiralty or Army Council, or any officer of Our Navy or Army, or any other person acting in Our behalf for securing the objects aforesaid, and not to hinder or obstruct, but to afford all assistance in their power to, any person acting in accordance with any such instructions or regulations or otherwise in the execution of any measures duly taken for securing those objects.

Given at Our Court at Buckingham Palace, this Fourth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

(a) This General Report is printed in Appendix H., at pp. 464-514 below.

(b) This Proclamation was published in the "London Gazette" of August 4th, 1914, being the 5th Supplement to the Gazette of July 31st ; in the "Edinburgh Gazette" of August 5th, 1914, being the 1st Supplement to the Gazette of August 4th ; and in the "Dublin Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th, 1914.

THE DEFENCE OF THE REALM REGULATIONS, 1914.(**a**)(**b**)

1914. No. 1231.

At the Court at Buckingham Palace, the 12th day of August, 1914.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas by the Defence of the Realm Act, 1914,(**c**) His Majesty has power during the continuance of the present war to issue Regulations for securing the public safety and the defence of the Realm subject to and in accordance with that Act:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.

General Regulations.

1. The ordinary avocations of life and the enjoyment of property will be interfered with as little as may be permitted by the exigencies of the measures required to be taken for securing the public safety and the defence of the Realm, and ordinary civil offences will be dealt with by the civil tribunals in the ordinary course of law.

The Admiralty and Army Council, and members of the Naval and Military Forces, and other persons executing the following Regulations shall, in carrying those Regulations into effect, observe these general principles.

2. It shall be lawful for the competent naval or military authority and any person duly authorised by him, where for the purpose of securing the public safety or the defence of the Realm it is necessary so to do—

(*a*) to take possession of any land and to construct military works, including roads, thereon, and to remove any trees, hedges, and fences therefrom;

(**a**) These Regulations were amended by "The Defence of the Realm (No. 2) Regulations" printed at pp. 151–154 below, by the insertion of certain new regulations and otherwise. They were further amended by Order in Council of September 17th, 1914, printed at pp. 154, 155 below. The Regulations as so amended are reprinted in consolidated form in Appendix B at pp. 409–417 below.

(**b**) These Regulations were published in the "London Gazette" of August 13th, 1914, being the 2nd Supplement to the Gazette of August 11th; in the "Edinburgh Gazette" of August 15th, 1914, being a Supplement to the Gazette of August, 14th; and in the "Dublin Gazette" of August 15th, 1914, being a Supplement to the Gazette of September 14.

(**c**) 4 & 5 Geo. 5. c. 29, printed at p. 13 above. This Act was amended by the Defence of the Realm (No. 2) Act, 1914 (4 & 5 Geo. 5. c. 63), printed at pp. 22, 23 above which extended the power of making regulations. Section 1 of the first Act as so amended is reprinted in consolidated form in Appendix B at pp. 409–417 below.

(*b*) to take possession of any buildings or other property, including works for the supply of gas, electricity, or water, and of any sources of water supply ;

(*c*) to take such steps as may be necessary for placing any buildings or structures in a state of defence ;

(*d*) to cause any buildings or structures to be destroyed, or any property to be moved from one place to another, or to be destroyed ;

(*e*) To do any other act involving interference with private rights of property which is necessary for the purpose aforesaid.

3. The competent naval or military authority and any person duly authorised by him shall have right of access to any land or buildings, or other property whatsoever.

4. The competent naval or military authority may by order require all vehicles, boats, and vessels, and all forms of equipment and warlike stores, within any area specified in the order to be removed from that area within such time as may be so specified, or in the case of military stores incapable of removal to be destroyed, and if the owners thereof fail to comply with the requisition, the competent naval or military authority may himself cause them to be removed or in the case of military stores destroyed.

5. Where the competent naval or military authority so orders, all persons residing or owning or occupying land, houses, or other premises within such area as may be specified in the order, shall furnish within such time as may be so specified, a list of all or any animals, vehicles, boats, vessels, and warlike stores which may be in their possession or custody within the specified area, stating their nature and quantity, and the place in which they are severally situated, and giving any other details that may reasonably be required.

6. The competent naval or military authority may by order require the inhabitants to leave any area (specified in the order) within or in the neighbourhood of a defended harbour if the removal of persons from that area is necessary for naval or military reasons.

7. The competent naval or military authority may by order require all premises licensed for the sale of intoxicating liquor within or in the neighbourhood of any defended harbour to be closed except during such hours as may be specified in the order.

8. No person shall obstruct or otherwise interfere with or impede, or withhold any information in his possession, which he may reasonably be required to furnish, from any officer or other person who is carrying out the orders of the competent naval or military authority, or who is otherwise acting in accordance with his duty under these regulations.

9. No person shall trespass on any railway, or loiter under or near any bridge, viaduct, or culvert, over which a railway passes.

10. If any person knows that any other person has without lawful authority in his possession or custody, or under his control, any firearms or ammunition (other than shot guns and ammunition for them), dynamite, or other explosives, it shall be his duty to inform the competent naval or military authority of the fact.

11. The competent naval or military authority shall publish notice of any order made by him in pursuance of these regulations in such manner as he may consider best adapted for informing persons affected by the order, and no person shall without lawful authority deface or otherwise tamper with any notice posted up in pursuance of these Regulations.

12. If the competent naval or military authority has reason to suspect that any house, building, land, ship, vessel, or other premises are being used for any purpose or in any way prejudicial to the public safety or the defence of the Realm, the authority, or any person duly authorised by him, may enter, if need be by force, the house, building, land, ship, vessel, or premises at any time of the day or night, and examine, search, and inspect the same or any part thereof, and may seize anything found therein which he has reason to suspect is being used or intended to be used for any such purpose as aforesaid.

13. Any police constable, officer of customs, or any other person authorised for the purpose by the competent naval or military authority, may arrest without warrant any person whose behaviour is of such a nature as to give reasonable grounds for suspecting that he has acted or is acting or is about to act in a manner prejudicial to the public safety or the safety of the Realm, or upon whom may be found any article, book, letter, or other document, the possession of which gives grounds for such a suspicion, or who is suspected of having committed an offence against these Regulations.

Any person so arrested shall, if he is to be tried by court-martial, be handed over to or kept in military custody, and in other cases shall be detained until he can be dealt with in the ordinary course of law, and whilst so detained shall be deemed to be in legal custody.

No person shall assist or connive at the escape of any person who may be in custody under this Regulation, or knowingly harbour or assist any person who has escaped.

PART II.

Regulations specially designed to prevent persons communicating with the enemy and obtaining information for disloyal purposes, and to secure the safety of means of communication and of railways, docks, and harbours.

14. No person shall without lawful authority publish or communicate any information with respect to the movement or disposition of any of the forces, ships, or war materials of His Majesty or any of His Majesty's allies, or with respect to the plans of any naval or military operations by any such forces or ships, or with respect to any works or measures undertaken for or connected with the fortification or defence of any place, if the information is such as is calculated to be or might be directly or indirectly useful to the enemy.

15. No person shall without the permission of the competent naval or military authority make any photograph, sketch, plan, model, or other representation of any naval or military work, or of any dock or harbour work in or in connection with a defended

harbour, and no person in the vicinity of any such work shall without lawful authority have in his possession any photographic or other apparatus or other material or thing suitable for use in making any such representation.

For the purpose of this Regulation the expression "harbour work" includes lights, buoys, beacons, marks, and other things for the purpose of facilitating navigation in or into a harbour.

16. No person without lawful authority shall injure, or tamper or interfere with, any wire or other apparatus for transmitting telegraphic or telephonic messages, or any apparatus or contrivance intended for or capable of being used for a signalling apparatus, either visual or otherwise, or prevent or obstruct or in any manner whatsoever interfere with the sending, conveyance or delivery of any communication by means of telegraph, telephone, or otherwise, or shall be in possession of any apparatus capable of being used for tapping messages sent by wireless telegraphy or otherwise.

17. No person shall with the intent of eliciting information for the purpose of communicating it to the enemy or for any purpose calculated to assist the enemy, give or sell to a member of any of His Majesty's forces any intoxicating liquor; and no person shall give or sell to a member of any of His Majesty's forces employed in the defence of any railway, dock, or harbour any intoxicating liquor when not on duty, with intent to make him drunk, or when on sentry or other duty, either with or without any such intent.

18. No person shall do any injury to any railway, or be upon any railway, or under or near any bridge, viaduct, or culvert over which a railway passes with intent to do injury thereto.

19. No person shall by the discharge of firearms or otherwise endanger the safety of any member of any of His Majesty's Forces travelling on or guarding any railway.

20. No person, without the permission of the competent naval or military authority, shall in the vicinity of any railway or of any dock or harbour be in possession of dynamite or any other explosive substance, but nothing in this Regulation shall be construed as affecting the possession of ammunition for sporting purposes.

21. No person in, or in the neighbourhood of, a defended harbour shall by word of mouth or in writing spread reports likely to create disaffection or alarm among any of His Majesty's Forces or among the civilian population.

22. No person shall, if an order to that effect has been made by the competent naval or military authority, light any fire or show any light on any hill within such radius from any defended harbour as may be specified in the order.

23. The competent naval or military authority at any defended harbour may by order direct that all lights, other than lights not visible from the outside of any house, shall be kept extinguished between such hours and within such area as may be specified in the order; and all persons resident within that area shall comply with the order.

24. The competent naval or military authority at any defended harbour may by order require every person within any area specified

in the order to remain within doors between such hours as may be specified in the order, and in such case no person shall be or remain out between such hours unless provided with a permit in writing from the competent naval or military authority or some person duly authorised by him.

25. If any person with the object of obtaining any information for the purpose of communicating it to the enemy or of assisting the enemy, or with intent to do any injury to any means of communication or to any railway, dock or harbour, forges, alters or tampers with any pass, permit or other document, or uses or has in his possession any such forged, altered or irregular pass, permit, or document with the like object or intent, or with the like object or intent, personates any person to whom a pass, permit, or other document has been duly issued, he shall be guilty of a contravention of these Regulations and may be tried and punished accordingly; and where in any proceedings against a person for contravention of this Regulation it is proved that he has forged, altered, or tampered with the pass, permit, or other document in question, or has used or had in his possession the forged, altered, or irregular pass, permit, or document in question, or has personated the person to whom the pass, permit, or document was duly issued, he shall be presumed to have forged, altered, or tampered with it, or to have used or had it in his possession, or to have personated such person as aforesaid, with such object or intent as aforesaid unless he proves the contrary.

26. Any person who attempts to commit, or procures, aids, or abets the commission of any act prohibited by the foregoing special Regulations, or harbours any person whom he knows, or has reasonable grounds for supposing, to have acted in contravention of such Regulations, shall be deemed to have acted in contravention of the Regulations in like manner as if he had himself committed the act.

27. Any person contravening any of the provisions of the foregoing special Regulations shall be liable to be tried by court-martial and to be sentenced to penal servitude for life or any less punishment:

Provided that no sentence exceeding three months' imprisonment with hard labour shall be imposed in respect of any contravention of Regulations 22, 23, or 24 unless it is proved that the contravention was for the purpose of assisting the enemy.

A court-martial having jurisdiction to try offences under these Regulations shall be a general or district court-martial convened by an officer authorised to convene such description of court-martial within the limits of whose command the offender may for the time being be; but nothing in this Regulation shall be construed as authorising a district court-martial to impose a sentence of penal servitude.

Any person tried by court-martial under these Regulations shall, for the purposes of the provisions of the Army Act relating to offences, be treated as if he belonged to the unit in whose charge he may be; but no such person shall be liable to summary punishment by a commanding officer.

PART III.

Supplemental.

28. The powers conferred by these Regulations are in addition to and not in derogation of any powers exerciseable by members of His Majesty's naval and military forces and other persons to take such steps as may be necessary for securing the public safety and the defence of the Realm, and the liability of any person to trial and punishment for any offence or war crime otherwise than in accordance with these Regulations.

29. For the purposes of these Regulations the expression "competent naval or military authority" means any commissioned officer of His Majesty's Naval or Military Forces, not below the rank of commander in the Navy or lieutenant-colonel in the Army, appointed by the Admiralty or Army Council, as the case may be, to perform in any place the duties of such an authority.

Any harbour declared by order of the Admiralty or Army Council to be a defended harbour shall for the purposes of these Regulations be treated as such.

30. The Interpretation Act, 1889,(**a**) applies for the purpose of the interpretation of these Regulations in like manner as it applies for the purpose of the interpretation of an Act of Parliament.

31. These Regulations may be cited as the Defence of the Realm Regulations, 1914.

Almeric Fitzroy.

THE DEFENCE OF THE REALM (NO. 2) REGULATIONS, 1914.(**b**)

1914. No. 1307.

At the Court at Buckingham Palace, the 1st day of September, 1914.

Present:

The King's Most Excellent Majesty in Council.

Whereas by an Order in Council dated the 12th day of August, 1914, His Majesty was pleased to make Regulations (called the Defence of the Realm Regulations, 1914(**c**)) under the Defence of the Realm Act, 1914,(**d**) for securing the public safety and the defence of the Realm:

(**a**) 52 & 53 Vict. c. 63.

(**b**) These Regulations were published in the "London Gazette" of September 1st, 1914, being the 1st Supplement to the Gazette of September 1st; in the "Edinburgh Gazette" of September 3rd, 1914, being a Supplement to the Gazette of September 1st; and in the "Dublin Gazette" of September 4th, 1914.

(**c**) Printed at pp. 146–151 above.

(**d**) 4 & 5 Geo. 5. c. 29. This Act printed at p. 13 above, was amended by the Defence of the Realm (No. 2) Act, 1914 (4 & 5 Geo. 5. c. 63) printed at pp. 20, 21 above, which made various insertions in and additions to section 1 of the first Act. That section is reprinted in consolidated form in Appendix B at p. 409 below.

And whereas by the Defence of the Realm (No. 2) Act, 1914,(a) the power of making Regulations under the first mentioned Act was extended:

And whereas it is desirable to amend the said Regulations in manner herein provided:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following amendments be made in the Defence of the Realm Regulations, 1914(b):—

1. After Regulation 3 the following Regulations shall be inserted:—

> "3A. The competent naval or military authority may by order authorise the use of land within such limits as may be specified in the order for the training of any part of His Majesty's naval or military forces; and may by such order confer such rights of user of the land, and provide for such temporary suspension of rights of way over roads and footpaths, as are conferred and exercisable with respect to authorised land roads and footpaths under the Military Manœuvres Acts, 1897 and 1911,(c) and the competent naval or military authority shall have all the powers exercisable by the Military Manœuvres Commission under those Acts.
>
> "3B. The restriction on the power to make byelaws under the Military Lands Acts, 1892 to 1903, imposed by the following provisions of the Military Lands Act, 1892,(d) that is to say, the proviso to subsection (1) of section fourteen, section sixteen, and subsection (1) of section seventeen of that Act, and by the following provisions of the Military Lands Act, 1900,(e) that is to say, the provisoes to subsection (2) of section two and subsection (3) of section two of that Act, are hereby suspended, and the powers of the Admiralty and the Secretary of State to make byelaws under the said Acts shall extend to the making of byelaws with respect to land of which possession has been taken under these Regulations.
>
> "3C. The competent naval or military authority may if he considers it necessary so to do for the purposes of any work of defence or other defended military work, or of any work for which it is deemed necessary in the interests of public safety or the defence of the Realm to afford military protection, stop up or divert any road or pathway over or adjoining the land on which such work is situate:
>
> "Provided that where any such road or pathway is so stopped up or diverted the competent naval or military authority shall publish notice thereof in such manner as he may consider best adapted for informing the public, and where any road or pathway is stopped up by means of any physical

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(a) 4 & 5 Geo. 5. c. 63, printed at pp. 20, 21 above.

(b) These Regulations as amended by the (No. 2) Regulations and further amended by Order in Council of September 17th, are reprinted in Appendix B at pp. 409–417, in consolidated form.

(c) 60 & 61 Vict. c. 43 and 1 & 2 Geo. 5. c. 44.

(d) 55 & 56 Vict. c. 43.

(e) 63 & 64 Vict. c. 56.

obstruction he shall cause lights sufficient for the warning of passengers to be set up every night whilst the road or pathway is so stopped up."

2. The following Regulation shall be inserted after Regulation 12:—

> "12A. Any police officer or any person authorised for the purpose by the competent naval or military authority may stop any vehicle travelling along any public highway, and, if he has reason to suspect that the vehicle is being used for any purpose or in any way prejudicial to the public safety or the defence of the Realm, may search the vehicle and seize anything found therein which he has reason to suspect is being used or intended to be used for any such purpose as aforesaid."

3. At the end of Regulation 16 the following words shall be inserted:—

> "And no person shall in any area which may be prescribed by order of a Secretary of State(**a**) keep or have in his possession any carrier or homing pigeons, unless he has obtained from the chief officer of police of the district a permit for the purpose (which permit may at any time be revoked), and the chief officer of police may, if he considers it necessary or expedient to do so, cause any pigeons kept in contravention of this regulation to be liberated."

4. The following Regulation shall be substituted for Regulation 21:—

> "No person shall by word of mouth or in writing spread reports likely to cause disaffection or alarm among any of His Majesty's forces or among the civilian population."

5. The following Regulation shall be inserted after Regulation 24:—

> "24A. Where the behaviour of any person is such as to give reasonable grounds for suspecting that he has acted, or is acting, or is about to act in a manner prejudicial to the public safety or the safety of the Realm, the competent naval or military authority may, by order, direct him to cease to reside in any area (specified in the order) within or in the neighbourhood of a defended harbour or proclaimed area, and any person to whom the order relates shall, within such time as may be specified in the order, leave the area specified in the order, having first reported his proposed residence to the competent naval or military authority, and shall not again reside in that area without a permit for the purpose from that authority."

6. In Regulation 27, after the words "for the purpose of "assisting the enemy" there shall be inserted the following

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(**a**) The Order of the Secretary of State of September 21st, 1914, which prescribed the whole of the United Kingdom as the area within which Carrier or Homing Pigeons may not be kept without a permit, is printed at p. 157 below. That Order superseded two Orders of September 2nd and September 10th, which are printed at p. 156 below.

words "or in respect of any contravention of Regulation 21 if "the offender proves that he acted without any intention to cause "disaffection or alarm."

7. At the end of Regulation 29 the following words shall be inserted:—

> "The Admiralty or Army Council may authorise the competent naval or military authority to delegate, either unconditionally or subject to such conditions as he thinks fit, all or any of their powers under these regulations to any officer qualified to be appointed a competent naval or military authority."

8. The Defence of the Realm Regulations, 1914, shall apply in respect of any area (in these Regulations referred to as "a proclaimed area") which may for the time being be proclaimed by the Admiralty or Army Council to be an area which it is necessary to safeguard in the interests of the training or concentration of any of His Majesty's forces in like manner as they apply in respect of a harbour or defended harbour as the case may be, and accordingly in Regulations 6, 7, 17, 20, 22, 23 and 24 the words "or proclaimed area" shall be inserted after the word "harbour" wherever it occurs.

9. These Regulations may be cited as the Defence of the Realm (No. 2) Regulations, 1914.

Almeric FitzRoy.

ORDER IN COUNCIL AMENDING THE DEFENCE OF THE REALM REGULATIONS, 1914.(a)

1914. No. 1405.

At the Court at Buckingham Palace, the 17th day of September, 1914.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas by an Order in Council, dated the 12th day of August, 1914, His Majesty was pleased to make Regulations (called the Defence of the Realm Regulations, 1914(b)), under the Defence of the Realm Act, 1914,(c) for securing the public safety and the defence of the Realm:

(a) This Order was published in the "London Gazette" of September 17th, 1914, being the 2nd Supplement to the Gazette of September 15th; in the "Edinburgh Gazette" of September 19th, 1914, being a Supplement to the Gazette of September 18th; and in the "Dublin Gazette" of September 18th, 1914.

(b) Printed at pp. 146–151 above.

(c) 4 & 5 Geo. 5. c. 29, printed at p. 13 above. This Act was amended by the Defence of the Realm (No. 2) Act, 1914 (4 & 5 Geo. 5. c. 63) printed at pp. 20, 21 above, which extended the power of making regulations. Section 1 of the first Act, as so amended, is reprinted in consolidated form in Appendix B, at p. 409 below.

And whereas it is expedient to amend such Regulations in manner hereinafter appearing:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following amendment be made in the said Regulations:—

1. After Regulation 7 the following Regulation shall be inserted—

> 7A. The Secretary of State may by order direct that all or any lights, or lights of any class or description, shall be extinguished, or obscured in such manner and between such hours as the order directs, within any area specified in the order and during such period as may be so specified,(**a**) and if the person having control of the light fails to comply with the order, the Secretary of State may cause the light to be extinguished or obscured as the case may be, and for that purpose any person authorised by the Secretary of State in that behalf or any police constable may enter the premises in which the light is displayed, and do any other act which may be necessary for the purposes.

2. After Regulation 12 the following Regulation shall be inserted:—

> 12A. No person shall bring into the United Kingdom any military arms or ammunition without the permit of the competent naval or military authority, and any person authorised for the purpose by the competent naval or military authority, and any police constable or officer of customs, may examine, search and investigate any ship for the purpose of the enforcement of this provision, and may seize any military arms or ammunition which are being or have been brought into the United Kingdom without such permit as aforesaid.

3. The power of arrest conferred on police constables and officers of customs by Regulation 13 shall be exerciseable, and be deemed always to have been exerciseable, without any authorization from a competent naval or military authority, and accordingly that regulation shall have effect as if for the words "Any police constable, officer of customs, or other person authorised for the purpose by the competent naval or military authority" there were substituted the following words:—"Any person authorised for the purpose by the competent naval or military authority, and any police constable or officer of customs."

4. At the end of Regulation 16, the following words shall be inserted after the words added by Regulation 3 of the Defence of the Realm (No. 2) Regulations, 1914:—

> "No person shall without such permission as aforesaid bring any carrier or homing pigeon into the United Kingdom, and any police constable or officer of customs may cause any such pigeon brought into the United Kingdom in contravention of this Regulation to be immediately returned in the ship in which it came, or to be liberated."

Almeric FitzRoy.

(**a**) The Order of the Secretary of State as to Extinguishment or Obscuration of Lights is printed at pp. 157, 158 below.

Orders made by the Secretary of State under Regulation 3(**a**) *of the Defence of the Realm (No. 2) Regulations prescribing the Area within which Carrier or Homing Pigeons may Not be Kept without a Permit.*

Order dated September 2, 1914.(**b**)

In pursuance of the power conferred on me by Regulation 3 of the Defence of the Realm (No. 2) Regulations, 1914,(**a**) *I hereby prescribe that the area within which no person may keep or have in his possession any carrier or homing pigeon unless he has obtained from the Chief Officer of Police of the district a permit for that purpose, shall be as follows:—*

> *The North and East Ridings of Yorkshire, Lincolnshire, Norfolk, Suffolk, Essex, Cambridgeshire, Huntingdonshire, Bedfordshire, Hertfordshire, Middlesex, the County of London, Kent, Surrey, Sussex, Buckinghamshire, Berkshire, Hampshire, Wiltshire and Dorset, and shall include all boroughs situated within the aforesaid counties.*

R. McKenna,
One of His Majesty's Principal Secretaries of State.

Home Office,
2nd September, 1914.

Order dated September 10, 1914.(**b**)

In pursuance of the power conferred on me by Regulation 3 of the Defence of the Realm (No. 2) Regulations, 1914,(**a**) *I hereby prescribe that the area within which no person may keep or have in his possession any carrier or homing pigeon unless he has obtained from the Chief Officer of Police of the district a permit for that purpose, shall be extended so as to include the County of Somerset.*

Reginald McKenna,
One of His Majesty's Principal Secretaries of State.

Whitehall,
10th September, 1914.

(**a**) This Regulation No. 3 is printed at p. 153 above, and as there provided is an addition to Regulation No. 16 of the main code of Regulations.

(**b**) This Order is superseded by that of September 21st, printed at p. 157 below.

ORDER DATED SEPTEMBER 21, 1914.

In pursuance of the power conferred on me by Regulation 3 of the Defence of the Realm (No. 2) Regulations, 1914,(a) I hereby prescribe that the area within which no person may keep or have in his possession any carrier or homing pigeon until he has obtained from the Chief Officer of Police of the district a permit for that purpose, shall be extended so as to include the whole of the United Kingdom.(b)

R. McKenna,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
21st September, 1914.

ORDER OF THE SECRETARY OF STATE DATED OCTOBER 1, 1914, UNDER REGULATION 7A OF THE DEFENCE OF THE REALM REGULATIONS,(c) AS TO EXTINGUISHMENT OR OBSCURATION OF LIGHTS.

In pursuance of the power conferred on me by Regulation 7A of the Defence of the Realm Regulations, I hereby make the following Order:—

(1.) In all brightly lighted streets and squares and on bridges a portion of the lights must be extinguished so as to break up all conspicuous groups or rows of lights: and the lights which are not so extinguished must be lowered or made invisible from above by shading them or by painting over the tops and upper portions of the globes: provided that while thick fog prevails the normal lighting of the streets may be resumed.

(2.) Sky signs, illuminated facias, illuminated lettering, and powerful lights of all descriptions used for outside advertising or for the illumination of shop fronts, must be extinguished.

(3.) The intensity of the inside lighting of shop fronts must be reduced.

(4.) In tall buildings which are illuminated at night the greater part of the windows must be shrouded, but lights of moderate brightness may be left uncovered at irregular intervals.

(5.) All large lighted roof areas must be covered over or the lighting intensity reduced to a minimum.

(6.) The lighting of railway stations, sidings and goods yards must be reduced to the intensity sufficient for the safe conduct of business there. The upper half of the globes of all arc lights must be shaded or painted over.

(a) This Regulation No. 3 is printed at p. 153 above, and as there provided is an addition to Regulation No. 16 of the main code of Regulations.

(b) The effect of this extension is to supersede the two previous Orders printed above.

(c) This Regulation, which was made by Article 1 of the Order in Council of September 17th, is printed at p. 155 above, and as there provided may be cited as Regulation 7A of the main code of Regulations.

(7.) Lights along the water front must be masked to prevent as far as practicable the reflection of the light upon the water.

(8.) The lights of trams and omnibuses must not be more than is sufficient to enable fares to be collected, and must be obscured while crossing bridges.

(9.) The use of powerful headlights on motor cars is prohibited.

(10.) The aggregation of flares in street markets or elsewhere is prohibited.

(11.) In case of sudden emergency all instructions given by the Admiralty, or by the Commissioner of Police on the advice of the Admiralty, as to the further reduction or extinction of lights, shall be immediately obeyed.

This Order shall apply to the City of London and the whole of the Metropolitan Police District, and to the hours between sunset and sunrise, and it shall be in force for one month from this date unless sooner revoked.

R. McKenna,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
1st October, 1914.

DISEASES OF ANIMALS.

ORDER OF THE BOARD OF AGRICULTURE AND FISHERIES, DATED AUGUST 6, 1914, SUSPENDING THE OPERATION OF CERTAIN ORDERS.(**a**)

1914. No. 1215.(**b**)

The Board of Agriculture and Fisheries, by virtue and in exercise of the powers vested in them under the Diseases of Animals Acts, 1894 to 1911, and of every other power enabling them in this behalf, do order, and it is hereby ordered, as follows:—

The operation of the Orders described in the Schedule hereto is hereby suspended, until it is otherwise ordered by the Board, to the extent mentioned in the third column of such Schedule: Provided that such suspension shall not—

(i) affect the previous operation of any such Order or anything duly done or suffered under any such Order; or

(ii) affect any right, privilege, obligation or liability acquired, accrued, or incurred under any such Order: or

(iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any such Order: or

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(**a**) This Order (of which the Departmental Number is 9198) was published in the "London Gazette" of August 7th, 1914.

(**b**) Statutory Rules and Orders under the Diseases of Animals Acts are not printed and put on sale as such, but copies can be obtained at the Board of Agriculture and Fisheries, 4, Whitehall Place, London, S.W.

(iv) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if this Order had not been made.

In witness whereof the Board of Agriculture and Fisheries have hereunto set their Official Seal this sixth day of August, nineteen hundred and fourteen.

A. W. Anstruther,
Assistant Secretary.

SCHEDULE

Orders Suspended.

Date.	Short Title.	Extent of Suspension.
23rd June, 1914 ...	Tuberculosis Order of 1914 ...	The whole Order.
22nd November, 1911.	Parasitic Mange Order of 1911 ...	The whole Order [except Article 7 (Prohibition to expose or move Animals affected with Parasitic Mange)].
18th February, 1907.	Sheep-Dipping (Scotland and North of England) Order of 1907.	The whole Order.
9th April, 1908 ...	Sheep-Dipping (England) Order of 1908.	The whole Order.
30th July, 1908 ...	Sheep-Dipping (England) Order of 1908 (No. 2).	The whole Order.
19th April, 1909...	Dartmoor and District (Sheep-Dipping) Order of 1909.	The whole Order.
24th March, 1908	Sheep-Dipping (South Wales and Monmouth) Order of 1908.	The whole Order.
27th May, 1909 ...	Sheep-Scab (Denbighshire, Flintshire and Montgomeryshire) Order of 1909.	The whole Order.
21st April, 1911 ...	Sheep-Scab (Denbighshire, Flintshire, Merionethshire, and Montgomeryshire) Order of 1911.	The whole Order.
9th June, 1914 ...	Sheep-Scab (Denbighshire, Flintshire, Merionethshire, and Montgomeryshire) Order of 1914.	The whole Order.
3rd June, 1909 ...	Sheep-Scab (Anglesey) Order of 1909.	The whole Order.
9th June, 1914 ...	Sheep-Scab (Anglesey) Order of 1914.	The whole Order.
5th May, 1910 ...	Sheep-Scab (Carnarvonshire) Order of 1910.	The whole Order.
29th June, 1910 ...	Sheep-Scab (Carnarvonshire) Order of 1910 (No. 2).	The whole Order.
9th June, 1914 ...	Sheep-Scab (Carnarvonshire) Order of 1914.	The whole Order.

EXPORTATION OF WARLIKE STORES, PROVISIONS, AND VICTUAL.

Proclamation, dated August 3, 1914, under section 8 of the Customs and Inland Revenue Act, 1879 (42 & 43 Vict. c. 21), Prohibiting the Exportation from the United Kingdom of certain Warlike Stores.(**a**) (**b**)

1914. No. 1166.

By the King.

A Proclamation prohibiting, under Section 8 of "The Customs and Inland Revenue Act, 1879," the Exportation from the United Kingdom of certain Warlike Stores.

George R.I.

Whereas by the 8th Section of "The Customs and Inland Revenue Act, 1879," it is enacted that We may by Proclamation or Order in Council prohibit the exportation of arms, ammunition, and gunpowder, military and naval stores, and any articles which We shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for men:

And whereas We, by and with the advice of Our Privy Council, deem it expedient and necessary that We should exercise such power of prohibition in manner hereinafter appearing:

Now. We, by and with the advice aforesaid, do hereby order and direct that from and after the date hereof the following goods, being articles which We have judged capable of being converted into or made useful in increasing the quantity of military or naval stores, that is to say:—

Acetone;
Aeroplanes, airships, balloons, of all kinds, and their component parts;

(**a**) By Proclamations of August 5th, 10th and 20th, printed at pp. 164–170 below, and by Orders of Council of August 28th and September 1st, 8th, 11th and 25th, and October 6th, printed at pp. 170–176 below, and at p. 520 in the Supplement, the list of prohibitions was altered. A list of Goods Prohibited to be exported from the United Kingdom is printed in Appendix A at p. 403 below.

(**b**) This Proclamation was published in the "London Gazette" of August 3rd, 1914, being the 4th Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 4th, 1914; and in the "Dublin Gazette" of August 4th, 1914, being the 1st Supplement to the Gazette of August 4th.

Animals, pack, saddle, and draught, suitable for use in war;
Arms, rifled, of all kinds, and their component parts;
Benzol;
Carbons required for searchlights;
Chrome and ferro-chrome;
Cloth, hempen;
Cartridges, charges, of all kinds, and their component parts;
Copper, ore or unwrought, all kinds;
Cotton suitable for use in the manufacture of explosives;
Cotton waste;
Creosote;
Dimethylaniline;
Engines and lorries, internal combustion, capable of carrying a load of 25 cwt. and upwards, whole or in parts;
Fulminate of mercury;
Gunpowder;
Nets, torpedo;
Nickel and ferro-nickel;
Oil, blast furnace;
Oil, coal tar;
Oil fuel, shale;
Oil, olive;
Oil, mineral, lubricating;
Petroleum, fuel oil;
Petroleum, gas oil;
Petroleum, spirit or motor spirit (including Shell spirit);
Projectiles of all kinds and their component parts;
Sacks, coal;
Silk cloth, silk braid, silk thread, suitable for cartridges;
Silk noils;
Surgical bandages and dressings;
Toluol;
Zinc;

shall be, and the same are hereby prohibited to be exported from the United Kingdom.

Given at Our Court at Buckingham Palace, this Third day of August, in the year of our Lord One thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

PROCLAMATION, DATED AUGUST 5, 1914, UNDER SECTION 1 OF THE EXPORTATION OF ARMS ACT, 1900 (63 & 64 VICT., c. 44), PROHIBITING THE EXPORTATION FROM THE UNITED KINGDOM OF WARLIKE STORES TO CERTAIN COUNTRIES.(**a**)(**b**)

1914. No. 1169.

BY THE KING.

A Proclamation prohibiting under Section One of "The Exportation of Arms Act, 1900," the Exportation from the United Kingdom of Warlike Stores to certain Countries.

George R.I.

Whereas by the first section of "The Exportation of Arms Act, 1900," it is enacted that We may by Proclamation prohibit the exportation of arms, ammunition, military or naval stores and any article which We shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named, whenever We shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores being used against Our subjects or forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with Our forces:

And whereas We, by and with the advice of Our Privy Council, judge it expedient to prohibit the exportation of the articles hereinafter mentioned in order to prevent their being used as in the said Act stated:

Now, We, by and with the advice aforesaid, do hereby from and after the date hereof prohibit the exportation to all foreign ports in Europe and on the Mediterranean and Black Sea, with the exception of those of France, Russia (except the Baltic ports), Spain and Portugal of the following articles, being articles which We have judged capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, that is to say:—

Aluminium.
Aluminium alloys.
Armour plates, armour quality castings, and similar protective material.
Asbestos.
Cables, telegraph and telephone.
Camp equipment, articles of.
Cannon and other ordnance, and parts thereof.
Carbolic acid.

(**a**) By Proclamation of August 20th, printed at p. 168 below, and by Orders of Council printed at pp. 172, 175, and 520 below, the list of prohibitions on exportation to particular countries was altered. A list of goods prohibited to be exported to particular countries is printed in Appendix A II at the end of this Manual.

(**b**) This Proclamation was published in the "London Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" of August 7th, 1914; and in the "Dublin Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th.

Carriages and mountings for cannon and other ordnance and for machine guns, and parts thereof.
Coal, steam, large.
Compasses and parts thereof, including fittings, such as binnacles.
Cresol and nitro-cresol.
Engine and boiler packings.
Explosives of all kinds.
Fuel manufactured.
Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or of war material for use on land and sea.
India rubber sheet, vulcanised.
Manganese.
Mercury.
Mica.
Mineral jellies.
Mines, and parts thereof.
Molybdenum.
Nitrates of ammonium.
Nitrates of potassium.
Nitrates of sodium.
Nitro-toluol.
Nitric acid.
Picric acid and its components.
Range-finders and parts thereof.
Rope, steel wire, and hawsers.
Saltpetre.
Sounding machines and gear.
Steam vessels, lighters, and barges of all descriptions.
Sulphur.
Sulphuric acid.
Swords, bayonets, and other arms (not being fire-arms), and parts thereof.
Tin.
Tin plates.
Torpedo tubes.
Torpedoes and parts thereof.
Tungsten.
Vanadium.
4-wheeled wagons, capable of carrying 1 ton and over.
2-wheeled carts, capable of carrying 15 cwt. and over.
Harness and sadlery of all kinds.
Barbed wire.
Horse and pony shoes.
Material for telegraphs, wireless telegraphs, and telephones.
Field glasses and telescopes.
Railway material, both fixed and rolling stock.
Men's marching and shooting boots.
Heliographs.
Portable forges.
Farriers', carpenters', wheelers', and saddlers' tools.
Glycerine.

Alcohol, as covering rectified spirits.
Uniform clothing and military equipment.
Accoutrements.
Walnut wood of scantling which could be made into rifle butts and fore-ends.

Given at Our Court at Buckingham Palace, this Fifth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

PROCLAMATION, DATED AUGUST 5, 1914, UNDER SECTION 8 OF THE CUSTOMS AND INLAND REVENUE ACT, 1879 (42 & 43 V. c. 21), PROHIBITING THE EXPORTATION FROM THE UNITED KINGDOM OF CERTAIN WARLIKE STORES, PROVISIONS, AND VICTUAL.(**a**) (**b**)

1914. No. 1167.

BY THE KING.

A Proclamation prohibiting, under Section 8 of "The Customs and Inland Revenue Act, 1879," the Exportation from the United Kingdom of certain Warlike Stores, Provisions, and Victual.

George R.I.

Whereas by the 8th Section of "The Customs and Inland Revenue Act, 1879," it is enacted that We may, by Proclamation or Order in Council, prohibit the exportation of, amongst other things, any articles which We shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for men:

And whereas We, by and with the advice of Our Privy Council, deem it expedient and necessary that We should exercise such power of prohibition in manner hereinafter appearing:

Now, We, by and with the advice aforesaid, do hereby order and direct that from and after the date hereof the following goods, being articles which We have judged capable of being

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(**a**) This Proclamation was varied by Proclamations of August 10th and 20th and by Order of Council of August 28th and September 8th and 25th, printed at pp. 165–170, 175 below.

(**b**) This Proclamation was published in the "London Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" of August 7th, 1914; and in the "Dublin Gazette" of August 7th, 1914.

converted into or made useful in increasing the quantity of military or naval stores, that is to say:—

Forage and food of all kinds for animals,

And also provisions and victual of all sorts which may be used as food for men,

shall be, and the same are hereby prohibited to be exported from the United Kingdom.

Given at Our Court at Buckingham Palace, this Fifth day of August, in the year of our Lord One thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

PROCLAMATION, DATED AUGUST 10, 1914, UNDER SECTION 8 OF THE CUSTOMS AND INLAND REVENUE ACT, 1879 (42 & 43 VICT. c. 21), PROHIBITING THE EXPORTATION FROM THE UNITED KINGDOM OF CERTAIN WARLIKE STORES, PROVISIONS, AND VICTUAL.(**a**)(**b**)

1914. No. 1168.

BY THE KING.

A Proclamation prohibiting, under Section 8 of "The Customs and Inland Revenue Act, 1879," the Exportation from the United Kingdom of certain Warlike Stores, Provisions, and Victual.

George R.I.

Whereas by the 8th Section of "The Customs and Inland Revenue Act, 1879," it is enacted that We may, by Proclamation or Order in Council, prohibit the exportation of, amongst other things, any articles which We shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for men:

And whereas by Our Proclamation dated the 3rd August, 1914,(**c**) effect was given to the provisions of the above-recited section of the said Act of Parliament as regards the exportation of any articles which We judge capable of being converted into or made useful in increasing the quantity of military or naval stores by the prohibition of the exportation from the United Kingdom of

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(**a**) This Proclamation was modified by Proclamation of August 20th, printed at pp. 168–170 below, and by Orders of Council of August 28th and September 8th printed at pp. 170 and 172 below.

(**b**) This Proclamation was published in the "London Gazette" of August 10th, 1914, being the 2nd Supplement to the Gazette of August 7th; in the "Edinburgh Gazette" of August 11th, 1914; and in the "Dublin Gazette" of August 11th, 1914.

(**c**) Printed at p. 160 above.

certain military and naval stores as therein more particularly set forth:

And whereas by Our further Proclamation dated the 5th August, 1914,(**a**) further effect was given to Our said Proclamation of the 3rd August, 1914, by the prohibition of the exportation from the United Kingdom of "Forage and food of all kinds for animals":

And whereas by Our said further Proclamation, dated the 5th August, 1914,(**a**) We, in further exercise of the power conferred by the above-recited section of the above Act of Parliament, did prohibit the exportation from the United Kingdom of "provisions and victual of all sorts which may be used as food for men":

And whereas, We, by and with the advice of Our Privy Council, deem it expedient that certain additions should be made to the list of articles comprised in Our said Proclamations, dated respectively the 3rd August, 1914, and the 5th August, 1914, so far as relates to articles which We have judged capable of being converted into or made useful in increasing the quantity of military or naval stores:

And whereas, We, by and with the advice of Our Privy Council, do also deem it expedient more exactly to define what is prohibited to be exported by Our Proclamation dated the 5th August, 1914, under the terms "provisions and victual of all sorts which may be used as food for men":

Now, We, by and with the advice aforesaid, do hereby order and direct that from and after the date hereof, the following additional goods, being articles which We have judged capable of being converted into or made useful in increasing the quantity of military or naval stores, that is to say:—

Glycerine, crude and refined,
Lead in all forms,
Saltpetre,
Nitrate of sodium,
Guncotton,
Carbolic acid,
Alcohols, ethylic,
Alcohols, methylic,
Alkaline, iodides,
Belladonna and its preparations and alkaloids,
Bismuth and its salts,
Boric acid,
Bromine and alkaline bromides,
Castor oil,
Chloroform,
Cinchona bark, quinine and its salts,
Coca and its preparations and alkaloids,
Collodion,
Corrosive sublimate,
Cresol and all preparations thereof (including cresylic acid) and nitro-cresol,

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(**a**) Printed at p. 164 above.

Digitalis and its preparations,
Ether,
Ethyl chloride,
Formic aldehyde,
Henbane and its preparations,
Iodine and its preparations,
Lysol,
Mercury, and its salts and preparations,
Morphia and other alkaloids of opium,
Nux vomica and its alkaloids and preparations,
Opium and its preparations,
Paraffin, soft,
Protagol,
Salicylic acid and salicylates,
Salvarsan,
All fine chemicals,

shall be and the same are hereby prohibited to be exported from the United Kingdom:

And, We, by and with the advice aforesaid, do hereby also order and direct that the terms "provisions and victual of all sorts which may be used as food for men" which by Our said further Proclamation dated the 5th August, 1914, We prohibited to be exported, shall mean and include:—

Corn, grain, rice, pulse, meal and flour of all kinds,
Animals, living, for food,
Meat of all kinds (including poultry and game), fresh, chilled, frozen, salted, or in any way preserved,
Bread,
Biscuits and cakes,
Butter,
Margarine,
Cheese,
Eggs,
Fish, fresh, cured, dried or salted (but not including pickled),
Fruit, dried or otherwise preserved, without sugar, all kinds,
Sugar, unrefined,
Sugar, refined and candy,
Glucose,
Molasses and invert sugar,
Confectionery of all kinds, including marmalade, jams and fruit jellies,
Milk, condensed, sweetened or not,
Tea, other than green tea,
Vegetables.

Given at Our Court at Buckingham Palace, this Tenth day of August, in the year of Our Lord, One thousand nine hundred and fourteen, and in the Fifth year Our Reign.

God save the King.

PROCLAMATION, DATED AUGUST 20, 1914, MODIFYING THE PROCLAMATIONS OF THE 3RD, 5TH, AND 10TH OF AUGUST, 1914, UNDER SECTION 8 OF THE CUSTOMS AND INLAND REVENUE ACT, 1879 (42 & 43 VICT., C. 21) AND SECTION 1 OF THE EXPORTATION OF ARMS ACT, 1900 (63 & 64 VICT. C. 44) RELATING TO THE EXPORTATION OF CERTAIN WARLIKE STORES, PROVISIONS AND VICTUAL.(a)(b)

1914. No. 1259.

BY THE KING.

A Proclamation modifying the Proclamations of the 3rd,(c) the 5th,(d) and the 10th August, 1914,(e) relating to the Exportation of certain Warlike Stores, Provisions and Victual.

George R.I.

Whereas by the 8th Section of "The Customs and Inland Revenue Act, 1879," it is enacted that We may, by Proclamation or Order in Council, prohibit the exportation of arms, ammunition and gunpowder, military and naval stores, and any articles which We shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual, which may be used as food for men:

And whereas by the first section of "The Exportation of Arms Act, 1900," it is enacted that We may, by Proclamation, prohibit the exportation of arms, ammunition, military or naval stores, and any article which We shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named, whenever We shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores, being used against Our subjects or forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with Our forces:

And whereas by Our Proclamations dated the 3rd August, 1914, the 5th August, 1914, and the 10th August, 1914, effect was given to the provisions of the above recited sections of the said Acts of Parliament by the prohibition of the exportation from the United Kingdom of certain military and naval stores and other articles as therein set forth:

And whereas We, by and with the advice of Our Privy Council, now deem it expedient that the exportation of the articles mentioned in that one of Our Proclamations dated the 5th August,

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(a) This Proclamation was modified by the Orders of Council of August 28th and September 1st, printed at pp. 170 and 171 below.

(b) This Order was published in the "London Gazette" of August 20th, 1914, being a Supplement to the Gazette of August 18th; in the "Edinburgh Gazette" of August 21st, 1914: and in the "Dublin Gazette" of August 21st, 1914

(c) Printed at p. 160 above.

(d) Printed at pp. 162, 164 above.

(e) Printed at p. 165 above.

1914, made under the first section of "The Exportation of Arms Act, 1900," shall no longer be prohibited to the Ports of Belgium, and also that the lists of articles of which the exportation is prohibited in the said Proclamation dated the 3rd August, 1914, in the said Proclamation dated the 5th August, 1914, made under the first section of "The Exportation of Arms Act, 1900," and in the said Proclamation dated the 10th August, 1904, shall be modified, both by way of addition to and deletion from the lists of articles therein mentioned:

Now, We, by and with the advice aforesaid, do hereby order and direct that from and after the date hereof the prohibitions published in the aforesaid Proclamations shall be read as subject to the modifications shown in the First Schedule hereunto appended, and that from and after the 30th August, 1914, the said prohibitions shall be read as subject also to the further modifications shown in the Second Schedule hereunto appended.

FIRST SCHEDULE—*To take effect forthwith.*

Proclamation of the 5th August, 1914.—List of Articles of which the exportation is prohibited from the United Kingdom to all foreign ports in Europe and on the Mediterranean and Black Sea, with the exception of those of France, Russia (except the Baltic Ports), Spain and Portugal.

Add to the list of Ports excepted from the prohibition:—

The ports of Belgium.

Delete from the list of articles:—

Coal, steam, large;
Fuel, manufactured;
Nitrates of sodium;
Tin plates.

Proclamation of the 10th August, 1914.—List of Articles of which the exportation is prohibited from the United Kingdom.

Delete from the list of articles:—

Lead in all forms.

Add to the list of articles:

Lead, pig, sheet or pipe.

Substitute for the list of provisions and victual which may be used as food for men prohibited to be exported the following list:—

Wheat and wheat flour;
Barley and oats;
Animals, living, for food;
Butter;
Margarine;
Cheese;
Eggs;
Sugar, unrefined;
Sugar, refined and candy;
Molasses and invert sugar;
Jams and marmalades;
Milk, condensed, sweetened or not.

SECOND SCHEDULE—*To take effect from the 30th August,* 1914.

Proclamation of the 3rd August, 1914.—List of Articles of which the exportation is prohibited from the United Kingdom.

Delete from the list of articles :—

Creosote.

Engines and lorries, internal combustion, capable of carrying a load of 25 cwt. and upwards, whole or in parts.

Given at Our Court at Buckingham Palace, this Twentieth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God Save The King.

ORDER OF COUNCIL UNDER SECTION 2 OF THE CUSTOMS (EXPORTATION PROHIBITION) ACT, 1914 (4 & 5 GEO. 5. c. 64), WITHDRAWING CERTAIN PROHIBITIONS ON THE EXPORTATION OF PROVISIONS AND VICTUAL TO COLONIES, &C.(a)

1914. No. 1303.

At the Council Chamber, Whitehall, the 28th day of August, 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879,(b) as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas there was this day read at the Board a recommendation from the Board of Trade to the effect: —

That an Order should be issued withdrawing, in respect of His Majesty's Dominions, Colonies not possessing responsible Government, British India, Territories under His Majesty's Protection, Cyprus, the Channel Islands, and Egypt, the prohibitions established by His Majesty's Proclamations of the 5th,(c) 10th,(d) and 20th (e) August, 1914, on the exportation from the United Kingdom of the articles specified in the list of provisions and victual contained in the last-mentioned Proclamation:

(a) This Order was published in the "London Gazette" of August 28th 1914, being the 1st Supplement to the Gazette of August 28th ; in the "Edinburgh Gazette" of August 31st, 1914, being a Supplement to the Gazette of August 28th ; and in the "Dublin Gazette" of September 1st, 1914.

(b) 42 & 43 Vict. c. 21.

(c) Printed at p. 164 above.

(d) Printed at p. 165 above.

(e) Printed at p. 168 above.

Now, therefore, Their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved:

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Almeric FitzRoy.

ORDER OF COUNCIL UNDER SECTION 2 OF THE CUSTOMS (EXPORTATION PROHIBITION) ACT, 1914 (4 & 5 GEO. 5, c. 64), WITHDRAWING THE PROHIBITION ON THE EXPORTATION FROM THE UNITED KINGDOM OF JAMS, MARMALADES AND CONDENSED MILK.(a)

1914. No. 1308.

At the Council Chamber, Whitehall, the 1st day of September, 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879,(b) as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas there was this day read at the Board a recommendation from the Board of Trade to the effect—

> That an Order should be issued withdrawing the prohibition on the exportation from the United Kingdom of Jams and Marmalades and of Condensed Milk, sweetened or not, established by his Majesty's Proclamation, dated the 20th August, 1914(c):

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Almeric FitzRoy.

(a) This Order was published in the "London Gazette" of September 1st 1914, being the 1st Supplement to the Gazette of September 1st; in the "Edinburgh Gazette" of September 3rd, 1914, being a Supplement to the Gazette of September 1st; and in the "Dublin Gazette" of September 4th, 1914.

(b) 42 & 43 Vict. c. 21.

(c) Printed at p. 168 above.

ORDER OF COUNCIL UNDER SECTION 2 OF THE CUSTOMS (EXPORTATION PROHIBITION) ACT, 1914 (4 & 5 GEO. 5, c. 64) VARYING PROCLAMATIONS PROHIBITING THE EXPORTATION OF VARIOUS ARTICLES.(**a**) (**b**)

1914. No. 1334.

At the Council Chamber, Whitehall, the 8th day of September, 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879,(**c**) as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas there was this day read at the Board a recommendation from the Board of Trade in the following words:—

(1) That the heading "Cartridges, charges, of all kinds, and their component parts," in His Majesty's Proclamation, dated the 3rd August, 1914,(**d**) should read "Cartridges, charges, of all kinds, and their component parts, other than sporting cartridges, charges, and their component parts."

(2) That there should be deleted from the list of articles included in His Majesty's Proclamation, dated the 5th August, 1914 (**e**)—
Field-glasses and telescopes,
Tin,
Tungsten,
Nitro-toluol.

(3) That there should be deleted from the list of articles included in His Majesty's Proclamation, dated the 10th August, 1914 (**f**)—
Castor oil,
Boric acid,
Digitalis and its preparations,
All fine chemicals.

(4) That the heading "Manganese" in the Proclamation, dated the 5th August, 1914, should read—
Manganese, including ferro-manganese.

(**a**) This Order was modified by the Orders of Council of September 25th printed at p. 175 below, and October 6th printed in the Supplement at p. 520.

(**b**) This Order was published in the "London Gazette" of September 8th, 1914; in the "Edinburgh Gazette" of September 10th, 1914, being a Supplement to the Gazette of September 8th; and in the "Dublin Gazette" of September 11th, 1914.

(**c**) 42 & 43 Vict. c. 21.

(**d**) Printed at p. 160 above.

(**e**) Printed at p. 162 above.

(**f**) Printed at p. 165 above.

(5) That the exportation of—

Iron ore,
Raw rubber,
Bladders, casings, and sausage skins,
Castor oil,

should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic Ports), Belgium, France, Spain, and Portugal.

(6) That there should be added to the list of prohibitions to all destinations contained in former Proclamations—

Field-glasses and telescopes,
Tungsten,
Wolfram ore,
Nitro-toluol.
Acetanilide,
Acetylsalicylic acid (aspirin) and salicin,
Aconite and its preparations and alkaloids,
Adrenin, adrenalin, and its preparations.
Ammonium sulphocyanide,
Antipyrine (phenazone),
Balsam of Peru,
Benzoic acid (synthetic) and benzoates,
Cantharides and its preparations.
Chloral and its preparations, including chloramid,
Chrysarobin,
Citrate of magnesia,
Citric acid, alkaline citrates and calcium citrate,
Coal tar products for use in dye manufacture,
Diethylbarbituric acid (veronal) and veronal sodium,
Dulcite,
Dyes and dyestuffs obtained from coal tar,
Emetin hydrochlor,
Eucaine hydrochlor.
Ergot of rye and its preparations and alkaloids,
Gentian and its preparations,
Glacial acetic acid,
Hexamethylene tetramin (urotropin) and its preparations,
Hydrobromic acid,
Hydroquinone,
Mannite,
Neo-salvarsan,
Novocain,
Oil of turpentine,
Paraldehyde,
Paraffin, liquid, medicinal,
Pastilles, jujubes, lozenges and cachous generally containing prohibited ingredients,
"Peptone Witte,"
Phenacetin,
Pilocarpine salts,

Potassium and its salts and preparations (including bichromate and prussiate of potash),
Pyrogallic acid,
Saccharin (including "saxin"),
Santonin and its preparations,
Sulphonal,
Sulphate of zinc,
Tartaric acid and alkaline tartrates,
Thymol and its preparations,
Trional.

Now, therefore, their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Almeric FitzRoy.

Order of Council under section 2 of the Customs (Exportation Prohibition) Act, 1914 (4 & 5 Geo. 5, c. 64), Prohibiting Exportation from the United Kingdom of Sugar, Molasses, &c., under certain conditions.(a)

1914. No. 1382.

At the Council Chamber, Whitehall, the 11th day of September, 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879,(b) as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas there was this day read at the Board a recommendation from the Board of Trade to the effect—

That an Order should be issued prohibiting the exportation from the United Kingdom to all destinations of the following articles:—

Sugar, unrefined:
Sugar, refined and candy;

(a) This Order was published in the "London Gazette" of September 11th, 1914; in the "Edinburgh Gazette" of September 12th, 1914, being a Supplement to the Gazette of September 11th, and in the "Dublin Gazette" of September 15th, 1914.

(b) 42 & 43 Vict. c. 21.

Molasses, invert sugar, and all sugar and extracts from sugar which cannot be completely tested by the polariscope.

Now, therefore, their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Almeric FitzRoy.

ORDER OF COUNCIL UNDER SECTION 2 OF THE CUSTOMS (EXPORTATION PROHIBITION) ACT, 1914 (4 & 5 GEO. 5, C. 64), VARYING PROCLAMATIONS OF AUGUST 3RD AND 5TH, 1914, AND AN ORDER OF COUNCIL OF SEPTEMBER 8TH, 1914, PROHIBITING THE EXPORTATION OF VARIOUS ARTICLES.(a)

1914. No. 1437.

At the Council Chamber, Whitehall, the 25th day of September, 1914.

By the Lords of His Majesty's Most Honourable Privy Council

Whereas it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879,(b) as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas there was this day read at the Board a recommendation from the Board of Trade in the following words:—

(1) That the prohibition to export "Pack, saddle, and draught animals, suitable for use in war," established by His Majesty's Proclamation dated the 3rd August, 1914,(c) should extend to the carriage coastwise of all such animals between ports of the United Kingdom.

(2) That the heading "Cotton suitable for use in the manufacture of explosives" should be deleted from His Majesty's Proclamation dated the 3rd August, 1914, and that the heading

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(a) This Order was published in the "London Gazette" of September 25th, 1914, being the 3rd Supplement to the Gazette of September 22nd; in the "Edinburgh Gazette" of September 26th, 1914, being a Supplement to the Gazette of September 25th, and in the "Dublin Gazette" of September 28th, 1914, being a Supplement to the Gazette of September 25th.

(b) 42 & 43 Vict. c. 21.

(c) Printed at p. 160, above.

"Cotton waste" in the same Proclamation should be expanded so as to read "Cotton waste of all descriptions."

(3) That the heading "Harness and saddlery of all kinds" in His Majesty's Proclamation dated the 5th August, 1914,(**a**) should be deleted.

(4) That the heading "Coal tar products for use in dye manufacture" in the Order of Council dated the 8th September, 1914,(**b**) should be expanded so as to read "Coal tar products for use in dye manufacture, except aniline oil and aniline salt."

(5) That the exportation of—

Bags and sacks of all kinds (not including paper bags);
Graphite;
Shipbuilding materials, namely—
  Boiler tubes;
  Condenser tubes;
  Iron and steel castings and forgings for hulls and machinery of ships;
  Iron and steel plates and sectional material for shipbuilding;
  Marine engines and parts thereof;
  Ships' auxiliary machinery;

should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic ports), Belgium, France, Spain, and Portugal.

(6) That there should be added to the list of prohibitions of export to all destinations—

Harness and saddlery which can be used for military purposes;
Khaki serge;
Peroxide of manganese.

Now therefore, their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved:

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Almeric Fitzroy.

(**a**) Printed at p. 162, above.
(**b**) Printed at p. 172, above.

FINANCIAL ASSISTANCE TO ENEMY.

Proclamation, dated August 5, 1914, notifying that British Subjects contributing to a Loan raised on behalf of the German Emperor or contracting with the German Government, will be guilty of High Treason as adhering to the King's Enemies. (a) (b)

1914. No. 1253.

By the King.

A Proclamation notifying that British Subjects contributing to a Loan raised on behalf of the German Emperor or contracting with the German Government, will be guilty of High Treason as adhering to the King's Enemies.

George R.I.

Whereas a state of war exists between Us and the German Emperor(c):

And whereas it constitutes adherence to Our enemies for any of Our subjects or persons resident or being in Our Dominions during the continuance of the state of war to contribute to or participate in or assist in the floating of any loan raised on behalf of the said Emperor, or to advance money to or enter into any contract or dealings whatsoever with the said Emperor or his Government (save upon Our Command), or otherwise to aid, abet, or assist the said Emperor or Government:

Now, therefore, We do hereby warn all Our subjects and all persons resident or being in Our Dominions who may be found doing or attempting any of such treasonable acts as aforesaid that they will be liable to be apprehended and dealt with as traitors, and will be proceeded against with the utmost rigour of the law.

Given at Our Court at Buckingham Palace, this Fifth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

(a) This Proclamation is by Proclamation of August 12th, 1914 (printed at p. 97 above, under the heading "Austria-Hungary"), to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting or assisting the Austro-Hungarian Government.

(b) This Proclamation was published in the "London Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" of August 7th, 1914; and in the "Dublin Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th.

(c) *See* Notification of a State of War with Germany printed at p. 1 above.

INDIAN MARINE SERVICE.

ORDERS IN COUNCIL UNDER SECTION 6 OF THE INDIAN MARINE SERVICE ACT, 1884 (47 & 48 VICT. c. 38), DIRECTING THAT CERTAIN VESSELS BELONGING TO HIS MAJESTY'S INDIAN MARINE SERVICE AND THE MEN AND OFFICERS FROM TIME TO TIME SERVING THEREON SHALL BE UNDER THE COMMAND OF THE SENIOR NAVAL OFFICER OF THE STATION WHERE FOR THE TIME BEING SUCH SHIPS MAY BE.

1914. No. 1178.

ORDER IN COUNCIL AS TO "THE HARDINGE" AND "THE DUFFERIN."(**a**)

At the Court at Buckingham Palace, the 5th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, in the words following, viz.:—

"Whereas it is provided in Section 6 of the Indian Marine Service Act, 1884, that in case a state of War exists between Your Majesty and any foreign power, it shall be lawful for Your Majesty by Proclamation or Order in Council to direct that any vessel belonging to Your Majesty's Indian Marine Service and the Men and Officers from time to time serving thereon shall be under the command of the Senior Naval Officer of the Station where for the time being such ships may be:

"And whereas it is provided that while any such vessel is under such command such vessel shall be deemed to all intents a vessel of war of the Royal Navy, and the Men and Officers from time to time serving in such vessels shall be under such Naval Discipline Act or Acts as may be in force for the time being, and subject to such Regulations as may be issued by Us with the concurrence of the Secretary of State for India in Council:

"And whereas a state of War exists between Your Majesty and the German Emperor: (**b**)

"And whereas the Government of Your Majesty in India has agreed to place unreservedly at the disposal of the Naval Commander-in-Chief on the East Indies Station, Your Majesty's Indian Marine Service Vessels 'Hardinge' and 'Dufferin':

(**a**) This Order was published in the "London Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" of August 7th, 1914.

(**b**) *See* Notification of a State of War with the German Empire, printed at p. 1 above.

> "Now therefore we beg leave to recommend that Your Majesty may be graciously pleased by Your Order in Council to direct that Your Majesty's Indian Marine Service Vessels 'Hardinge' and 'Dufferin' and the Men and Officers from time to time serving thereon shall be under the command of the Senior Naval Officer of the Station where for the time being such ships may be.
>
> "The Secretary of State for India in Council has signified his concurrence in these proposals."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

Almeric FitzRoy.

ORDER IN COUNCIL AS TO "THE NORTHBROOK" AND "THE MINTO."(**a**)

1914. No. 1232.

At the Court at Buckingham Palace, the 12th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 11th day of August, 1914, in the words following, viz.:—

"Whereas it is provided in Section 6 of the Indian Marine Service Act, 1884, that in case a state of War exists between Your Majesty and any foreign power, it shall be lawful for Your Majesty by Proclamation or Order in Council to direct that any vessel belonging to Your Majesty's Indian Marine Service and the Men and Officers from time to time serving thereon shall be under the command of the Senior Naval Officer of the Station where for the time being such ships may be:

"And whereas it is provided that while any such vessel is under such command such vessel shall be deemed to all intents a vessel of war of the Royal Navy, and the Men and Officers from time to time serving in such vessels shall be under such Naval

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(**a**) This Order was published in the "London Gazette" of August 13th, 1914, being the 2nd Supplement to the Gazette of August 11th; in the "Edinburgh Gazette" of August 15th, 1914, being a Supplement to the Gazette of August 14th; and in the "Dublin Gazette" of August 15th, 1914.

Discipline Act or Acts as may be in force for the time being, and subject to such Regulations as may be issued by Us with the concurrence of the Secretary of State for India in Council :

"And whereas a state of War exists between Your Majesty and the German Emperor :(**a**)

"And whereas the Government of Your Majesty in India has agreed to place unreservedly at the disposal of the Naval Commander-in-Chief on the East Indies Station Your Majesty's Indian Marine Service Vessels 'Northbrook' and 'Minto' :

"Now, therefore, We beg leave to recommend that Your Majesty may be graciously pleased by Your Order in Council to direct that Your Majesty's Indian Marine Service Vessels 'Northbrook' and 'Minto,' and the Men and Officers from time to time serving thereon shall be under the command of the Senior Naval Officer of the Station where for the time being such ships may be.

"The Secretary of State for India in Council has signified his concurrence in these proposals."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

Almeric FitzRoy.

ORDER IN COUNCIL AS TO "THE DALHOUSIE."(**b**)

1914. No. 1261.

At the Court at Buckingham Palace, the 20th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 12th day of August, 1914, in the words following, viz. :—

> "Whereas it is provided in Section 6 of the Indian Marine Service Act, 1884, that in case a state of War exists between

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(**a**) *See* Notification of a State of War with the German Empire, printed at p. 1 above.

(**b**) This Order was published in the "London Gazette" of August 20th, 1914, being a Supplement to the Gazette of August 18th ; in the "Edinburgh Gazette" of August 21st, 1914 ; and in the "Dublin Gazette" of August 21st, 1914.

Your Majesty and any foreign power, it shall be lawful for Your Majesty by Proclamation or Order in Council to direct that any vessel belonging to Your Majesty's Indian Marine Service and the Men and Officers from time to time serving thereon shall be under the command of the Senior Naval Officer of the Station where for the time being such ships may be:

"And whereas it is provided that while any such vessel is under such command, such vessel shall be deemed to all intents a vessel of war of the Royal Navy, and the Men and Officers from time to time serving in such vessels shall be under such Naval Discipline Act or Acts as may be in force for the time being, and subject to such Regulations as may be issued by Us with the concurrence of the Secretary of State for India in Council:

"And whereas a state of War exists between Your Majesty and the German Emperor: (**a**)

"And whereas the Government of Your Majesty in India has agreed to place unreservedly at the disposal of the Naval Commander-in-Chief on the East Indies Station Your Majesty's Indian Marine Service Vessel 'Dalhousie':

"Now, therefore, We beg leave to recommend that Your Majesty may be graciously pleased by Your Order in Council to direct that Your Majesty's Indian Marine Service Vessel 'Dalhousie' and the Men and Officers from time to time serving thereon shall be under the command of the Senior Naval Officer of the Station where for the time being such ship may be.

"The Secretary of State for India in Council has signified his concurrence in these proposals."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

Almeric FitzRoy.

(**a**) *See* Notification of a State of War with the German Empire, printed at p 1 above.

INJURIES IN WAR COMPENSATION.

Order in Council approving a Scheme under the Injuries in War (Compensation) Act, 1914 (4 & 5 Geo. 5, c. 30) and applying as from August 3, 1914, to all Officers and Men of Fleet Auxiliaries (other than ranks and ratings in receipt of Naval Pay or Officers or Men of Naval Reserves), to all Civilians in Admiralty Service, and to Officers and Men of the War Department Examination Service, and to the Dependent Relatives of such Persons.(**a**)

1914. No. 1177.

At the Court at Buckingham Palace, the 10th day of August, 1914.

Present,

The King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 6th day of August, 1914, in the words following, viz.:—

> "Whereas by Section I. of the Injuries in War (Compensation) Act, 1914,(**b**) it is enacted that it shall be lawful for Your Majesty by Your Order in Council to frame a Scheme as to the pensions, grants and other allowances in the nature thereof, to be paid to persons, not being Officers or Seamen of the Royal Navy or Officers or Soldiers of any of Your Majesty's land or marine forces, in respect of injuries suffered by them whilst employed afloat by or under the Admiralty or Army Council in connection with warlike operations in which Your Majesty is engaged, and in the case of their death to their widows and other dependants:
>
> "And whereas it is further enacted in the said section of the said Act that Your Order in Council shall specify the persons to whom it applies and the conditions under which it becomes applicable, and that Your Order may include persons not in the direct employment of the Admiralty or Army Council, and persons employed in commissioned ships, notwithstanding that by reason of such employment they are subject to the Naval Discipline Act:

(**a**) This Order was published in the "London Gazette" of August 10th, 1914, being the 2nd Supplement to the Gazette of August 7th; in the "Edinburgh Gazette" of August 11th, 1914; and in the "Dublin Gazette" of August 11th, 1914.

(**b**) 4 & 5 Geo. 5. c. 30, printed at p. 14 above.

"And whereas we are of opinion that the Scheme of pensions, grants, and allowances in the nature thereof, should apply as from the 3rd day of August, 1914, to all Officers and Men of Fleet Auxiliaries (other than ranks and ratings in receipt of Naval pay) to all civilians in Admiralty Service, and to Officers and Men of the War Department Examination service, who may be injured on duty during employment afloat, and to the dependent relatives of such persons who may be killed on duty during employment afloat, or die within two years thereof, as the result of injuries received on such duty, provided, however, that the Scheme shall not apply to Officers and Men of the Royal Naval Reserve, Royal Fleet Reserve, Royal Naval Volunteer Reserve, or to Naval Pensioners serving in the Fleet and in receipt of Naval rates of pay during such service:

"We beg leave humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to sanction payment of pensions, grants, and other allowances, on the scales and subject to the conditions specified in the annexed Schedule.

"The Lords Commissioners of Your Majesty's Treasury have signified their concurrence in these proposals."

"*Schedule.*

"SCALE OF PENSIONS, GRANTS, AND OTHER ALLOWANCES.

"*Injury Pensions.*

"If the injury result in total destruction of earning capacity, a pension equal to two-thirds pay during the period of such total incapacity.

"If the injury result in partial impairment of earning capacity, a pension during the period of such partial impairment of earning capacity equal to:—

"One-sixth pay in respect of slight impairment of earning capacity;

"One-third pay in respect of impairment of earning capacity;

"Half pay in respect of material impairment of earning capacity.

"Such pensions to be awarded to all Officers and Men of Fleet Auxiliaries (other than ranks and ratings in receipt of Naval pay), and to civilians in Admiralty service and to Officers and Men of the War Department Examination Service, provided that the injury be sustained on duty afloat, and all awards to be subject to periodical review and dependent upon the degree of the impairment of earning capacity for the time being as described above.

" *Widows' Pensions and Allowances to dependent Relatives.*

" If any of the above-mentioned persons be killed, or die within two years, as the result of injuries sustained on duty afloat, there shall be awarded—

(*a*) to the widow a pension equal to one-third pay; and
(*b*) in respect of each child up to 4 in number until the age of 16, an allowance equal to one twenty-fourth of pay;

so that the maximum possible payment per annum, inclusive of the widow's pension, shall not in any case exceed one-half pay.

" If there be no widow, pensions may be granted to other dependent relatives, at the discretion of the Admiralty or Army Council, not exceeding in the aggregate the sum which might have been awarded in each case as a widow's pension.

" In the event of a widow's re-marriage her pension shall cease, and the Admiralty or Army Council shall have the option of awarding, as may be more beneficial to her, either—

(*a*) a lump sum equal to the difference by which three years' pay (provided it be not more than £300 or less than £150) exceeds the total sum already paid in compensation; or
(*b*) continued payment of the children's pensions until age of 16.

" In the event of the adoption of alternative (*a*) the Admiralty or Army Council shall have power to take any precautions against the squandering of the lump sum, *e.g.*, by entrusting it to trustees to be administered in specified payments or to be applied wholly or partly for the children's education or otherwise.

" *Definition of the term 'Pay.'*

" For the purpose of this scheme pay shall be computed as follows:—

(1) In the case of Officers and men serving in Ships chartered by the Admiralty, whether, with, or without, demise to the Crown, pay shall be deemed to be the pay (including a victualling allowance at the rate of 3*s*. a day for Officers and 1*s*. 6*d*. a day for men, when pay does not include victualling) of the present rank ruling in the Ship, or in Ships of corresponding size and character, at a date six months prior to the outbreak of hostilities.
(2) In the case of casual labourers engaged for Fleet coaling afloat pay shall be deemed to be the normal wages of an ordinary unskilled labourer at the place of engagement at a date six months prior to the outbreak of hostilities.
(3) In all other cases pay shall be computed in such manner as is best calculated to give the rate at which the person was being remunerated during

the year preceding 3rd August, 1914, provided that when it is impracticable to compute pay in such manner, pay shall be taken to be such amount as the Admiralty or Army Council may determine having regard to the amount of the earnings of persons in similar employment during the same year.

"*Limitation of Benefits in the case of Persons entitled to Compensation under the Workmen's Compensation Acts, or to the Benefits of the Civil Superannuation and Greenwich Hospital Acts.*

"No person who is eligible to benefit under this scheme shall lose by virtue thereof any gratuity or other superannuation allowance for which he may be eligible by service under the Superannuation Acts, 1834 to 1909,(**a**) but persons entitled to any compensation under the Workmen's Compensation Act, 1906,(**b**) or to any compensation or damages at Common Law or under the Employer's Liability Act, 1880,(**c**) or under the Greenwich Hospital Acts, 1865 to 1898,(**d**) or any other statute, or eligible for any gratuity or allowance in respect of injury under Section 1 of the Superannuation Act, 1887,(**e**) shall be entitled to benefit under this scheme only to the extent of the difference, if any, between the value of the benefits it confers and the value of such other benefits as they may be entitled to under the said Acts, provided however that no person shall receive as the result of this scheme a total sum in excess of his pay at the date of the injury.

"*Interpretation of the Scheme.*

"In the event of any question arising on the interpretation or administration of this scheme, the decision of the Admiralty or Army Council thereon shall be final."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

Almeric FitzRoy.

(**a**) *i e*, The Superannuation Acts, 1834 (4 & 5 Will. 4. c. 24), 1859 (22 Vict. c. 26), 1860 (23 & 24 Vict. c. 89), 1866 (29 & 30 Vict. c. 68), 1876 (39 & 40 Vict. c. 53), 1881 (44 & 45 Vict. c. 43), 1884 (47 & 48 Vict. c. 57), 1887 (50 & 51 Vict. c. 67), 1892 (55 & 56 Vict. c. 40), and 1909 (9 Edw. 7. c. 10). *See* Short Title Act, 1896 (59 & 60 Vict. c. 14), and 9 Edw. 7. c. 10, s. 8. These Acts are amended by the Superannuation Act, 1914 (4 & 5 Geo. 5. c. 86), which took effect September 18th, 1914.

(**b**) 6 Edw. 7. c. 58.

(**c**) 43 & 44 Vict. c. 42.

(**d**) *i e.*, The Greenwich Hospital Acts, 1865 (28 & 29 Vict. c. 89), 1869 (32 & 33 Vict. c. 44), 1872 (35 & 36 Vict. c. 67), 1883 (46 & 47 Vict. c. 32), 1885 (48 & 49 Vict. c. 42), and 1898 (61 & 62 Vict. c. 24), together with the Naval Knights of Windsor (Dissolution) Act, 1892 (55 & 56 Vict. c. 34). *See* Short Title Act, 1896 (59 & 60 Vict. c. 14), and 61 & 62 Vict. c. 24, s. 5.

(**e**) 50 & 51 Vict. c. 67.

ISLE OF MAN.

1. Aliens Restriction.

ORDER IN COUNCIL UNDER THE ISLE OF MAN (WAR LEGISLATION) ACT, 1914 (4 & 5 GEO. 5, c. 62), EXTENDING THE ALIENS RESTRICTION ACT, 1914 (4 & 5 GEO. 5, c. 12), TO THE ISLE OF MAN.(**a**)

1914. No. 1448.

At the Court at Buckingham Palace, the 30th day of September, 1914.

PRESENT,

The King's Most Excellent Majesty

Lord President	Lord Emmott
Lord Islington	Sir William Carington.

Whereas by the Isle of Man (War Legislation) Act, 1914,(**b**) His Majesty has power to extend to the Isle of Man any Act which, in the opinion of His Majesty, was passed for the purpose of meeting any emergency created by the present War, subject to adaptations for the purpose of making the Act applicable to the Isle of Man:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the Aliens Restriction Act, 1914,(**c**) shall extend to the Isle of Man.

Almeric FitzRoy.

THE ALIENS RESTRICTION (ISLE OF MAN) ORDER, 1914.(**a**)

1914. No. 1449.

At the Court at Buckingham Palace, the 30th day of September, 1914.

PRESENT,

The King's Most Excellent Majesty

Lord President	Lord Emmott
Lord Islington	Sir William Carington.

Whereas His Majesty, by and with the advice of His Privy Council, has been pleased to order that the Aliens Restriction Act, 1914,(**c**) shall, under the provisions of The Isle of Man (War Legislation) Act, 1914,(**b**) extend to the Isle of Man:(**d**)

(**a**) This Order was published in the "London Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th; in the "Edinburgh Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th; and in the "Dublin Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th.

(**b**) 4 & 5 Geo. 5. c. 62, printed at p. 22 above.

(**c**) 4 & 5 Geo. 5. c. 12, printed at pp. 6–8 above.

(**d**) *See* the extending Order in Council of September 30th, 1914, printed above.

And whereas, by the said Aliens Restriction Act, 1914, power is conferred upon His Majesty in time of War or imminent national danger or great emergency by Order in Council to impose restrictions on aliens and to make such provisions as may be necessary or expedient for carrying such restrictions into effect:

And whereas a state of War at present exists between Great Britain and Germany(**a**) and also between Great Britain and Austria-Hungary(**b**):

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. All aliens resident in the Isle of Man shall be registered in manner hereinafter provided.

2.—(1) For the purposes of this Order, the Chief Officer of Police of the said Island shall be the Registration Officer.

(2) The Registration Officer shall keep a Register wherein shall be entered particulars of all aliens resident in the said Island, as set out in the Schedule hereto.

(3) Every alien shall, as soon as may be, furnish to the Registration Officer particulars as to the matters set out in the Schedule to this Order.

(4) Every alien shall furnish to the Registration Officer any additional information which may be reasonably required for the purpose of registering an alien or maintaining the correctness of the particulars entered on the Register.

3. An alien enemy shall not travel more than five miles from his registered place of residence unless furnished with a licence from the Registration Officer, which licence shall not cover a period exceeding twenty-four hours from the date of its issue and shall be returned to the Registration Officer at the end of the period for which it was issued.

4.—(1) An alien enemy shall not, except with the written permission of the Registration Officer, be in possession of—

(*a*) any firearms or other weapons, ammunition or explosives, or material intended to be used for the manufacture of explosives;

(*b*) any petroleum spirit, naphtha, benzol, petroleum, or other inflammable liquid in quantities exceeding three gallons;

(*c*) any apparatus or contrivance intended for, or capable of being used for, a signalling apparatus, either visual or otherwise;

(*d*) any carrier or homing pigeons;

(*e*) any motor car, motor cycle, motor boat, yacht, or aircraft;

(*f*) any cipher code or other means of conducting secret correspondence;

(*g*) any telephone installation;

(*h*) any camera or other photographic apparatus;

(*i*) any military or naval map, chart or handbook.

(2) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting any contravention

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(**a**) *See* Notification of a State of War with Germany, printed at p. 1 above.

(**b**) *See* Notification of a State of War with Austro-Hungary, printed at p. 1 above.

of the foregoing provision, he may grant a search warrant authorizing any constable named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any article which is being kept in the premises or place in contravention of this Article.

Where it appears to a superintendent or inspector of police, or any police officer of higher rank, that the case is one of great emergency, and that in the interests of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this Article.

5.—(1) The circulation among alien enemies of any newspaper wholly or mainly in the language of a State, or any part of a State, at war with His Majesty, is prohibited unless the permission in writing of a Secretary of State has been first obtained, and such conditions as may be prescribed by the Secretary of State are complied with.

(2) In this Article the expression "newspaper" includes periodical.

6. If any person acts in contravention of or fails to comply with any provisions of this Order, he is liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months, and the court before which he is convicted may, either in addition to or in lieu of any such punishment, require that person to enter into recognizances with or without sureties to comply with the provisions of this Order or such provisions thereof as the court may direct.

If any person fails to comply with an order of the court requiring him to enter into recognizances the court may order him to be imprisoned with or without hard labour for any term not exceeding six months.

7. If any person furnishes or causes to be furnished to a Registration Officer any false particulars, or, with a view to obtaining any permit or permission under this Order, makes or causes to be made any false statement or false representation, he shall be deemed to have acted in contravention of this Order.

8. If any person aids or abets any person in any contravention of this Order, or knowingly harbours any person whom he knows or has reasonable ground for supposing to have acted in contravention of this Order, he shall be deemed himself to have acted in contravention of this Order.

9. Any person who acts in contravention of this Order, or is reasonably suspected of having so acted, or being about so to act, may be taken into custody without warrant by any constable.

10.—(1) A Secretary of State may, if he thinks it necessary in the interests of public safety, direct that any of the provisions of this Order as to alien enemies shall in particular cases be applicable to other aliens, and thereupon such provisions shall apply accordingly.

(2) A Secretary of State may, if he thinks fit, direct that any powers or duties assigned under this Order to the Registration Officer shall be discharged by other persons deputed by the Secretary of State for the purpose.

11. For the purposes of this Order the expression "alien enemy" means an alien whose Sovereign or State is at War with His Majesty.

12. In the application of this Order the expression "court" means any court of summary jurisdiction and "justice of the peace" shall include a High Bailiff.

13. This Order may be cited as the "Aliens Restriction (Isle of Man) Order, 1914."

Almeric FitzRoy.

Schedule.

MATTERS IN RESPECT OF WHICH PARTICULARS ARE TO BE FURNISHED.

Name————————

Nationality and birthplace————————

Occupation————————

Sex————————

Age————————

Personal description, and, if so required, a photograph of the alien————————

Distinctive mark (if any)————————

Finger prints, if so required————————

Place of residence (including nature of tenure or occupancy)————————

Place of business (if any)————————

Date of commencement of residence————————

Whether the alien has been or is in the service of any foreign government, and if so, for how long and in what capacity————————

NOTE.—If the alien has a household, he must furnish the particulars aforesaid not only as respects himself, but also as respects every alien who is living as a member of his household.

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2. Defence of the Realm.

ORDER IN COUNCIL UNDER THE ISLE OF MAN (WAR LEGISLATION) ACT, 1914 (4 & 5 GEO. 5, c. 62), EXTENDING THE DEFENCE OF THE REALM ACT, 1914 (4 & 5 GEO. 5, c. 29), THE DEFENCE OF THE REALM (No. 2) ACT, 1914 (4 & 5 GEO. 5, c. 63) AND REGULATIONS THEREUNDER TO THE ISLE OF MAN.(**a**)

1914. No. 1377.

At the Court at Buckingham Palace, the 9th day of September, 1914.

PRESENT,

The King's Most Excellent Majesty

Lord President	Sir William Carington.
Lord Islington	Sir Francis Hopwood.

Whereas by the Isle of Man (War Legislation) Act, 1914, His Majesty has power to extend to the Isle of Man any Act

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(**a**) This Order was published in the "London Gazette" of September 11th, 1914, and in the "Edinburgh Gazette" of September 15th, 1914.

which, in the opinion of His Majesty, was passed for the purpose of meeting any emergency created by the present war, subject to adaptations for the purpose of making the Act applicable to the Isle of Man.

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the Defence of the Realm Act, 1914, as amended by the Defence of the Realm (No. 2) Act, 1914, and any Regulations(**a**) which have been issued by His Majesty thereunder, shall extend to the Isle of Man.

Almeric FitzRoy.

3. Postponement of Payments.

ORDER IN COUNCIL UNDER THE ISLE OF MAN (WAR LEGISLATION) ACT, 1914 (4 & 5 GEO. 5, C. 62), EXTENDING WITH ADAPTATIONS THE POSTPONEMENT OF PAYMENTS ACT, 1914 (4 & 5 GEO. 5, C. 11) TO THE ISLE OF MAN.(**b**)

1914. No. 1325.

At the Court at Buckingham Palace, the 3rd day of September, 1914.

PRESENT,

The King's Most Excellent Majesty

Lord President	Mr. Pease
Lord Islington	Sir William Carington.

Whereas by the Isle of Man (War Legislation) Act, 1914, His Majesty has power to extend to the Isle of Man any Act which in the opinion of His Majesty was passed for the purpose of meeting any emergency created by the present War, subject to adaptations for the purpose of making the Act applicable to the Isle of Man:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that the Postponement of Payments Act, 1914, shall extend to the Isle of Man, adapted as set out in the Schedule hereto.

Almeric FitzRoy.

(**a**) Printed at pp. 146–157, above.

(**b**) This Order was published in the "London Gazette" of September 4th, 1914, and in the "Edinburgh Gazette" of September 8th, 1914.

Schedule.

Postponement of Payments Act, 1914.

(1). Our Lieutenant Governor of the Isle of Man may, with Our consent, signified to him by one of Our Principal Secretaries of State, by Proclamation,(**a**) authorize the postponement of the payment of any bill of exchange, or of any negotiable instrument, or any other payment in pursuance of any contract, to such extent, for such time, and subject to such conditions or other provisions, as may be specified in the Proclamation.

(2). No additional Stamp Duty shall be payable in respect of any instrument as a consequence of any postponement of payment in pursuance of a Proclamation under this Act unless the Proclamation otherwise directs.

(3). Any such Proclamation may be varied, extended, or revoked, by any subsequent Proclamation, and separate Proclamations may be made dealing with separate subjects.

(4). The Proclamations dated the 8th day of August, 1914,(**a**) relating to the postponement of payment of certain bills of exchange and of certain other payments are hereby confirmed, and shall be deemed to have been made under this Act.

2.—(1). This Act may be cited as the Postponement of Payments Act, 1914.

(2). This Act shall remain in force for a period of six months from the date of the passing thereof.(**b**)

JERSEY MILITIA RESERVE.

Order in Council Recalling to Active Service the Militia Reserve of Jersey.(**c**)

At the Court at Buckingham Palace, the 4th day of August, 1914.

Present,

The King's Most Excellent Majesty in Council.

Whereas by virtue of Article 6 of the Act intituled "Loi sur la Milice" passed by the States of the Island of Jersey on the 10th day of October, 1905, sanctioned by Order in Council made the 11th day of December, 1905, it is lawful for His Majesty at any time by Order in Council to recall to Active Militia Service the Royal Militia Reserve of the said Island or any part thereof, Notice of such recall being given by Proclamation and by Warning to each reservist at his residence:

(**a**) The Proclamations of the Lieutenant Governor of the Isle of Man are not printed in the present edition of this Manual.

(**b**) The Postponement of Payments Act, 1914 (4 & 5 Geo. 5. c. 11), was passed August 3rd, 1914.

(**c**) This Order was published in the "London Gazette" of August 4th, 1914, being the 5th Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 5th, 1914, being the 1st Supplement to the Gazette of August 4th; and in the "Dublin Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th.

And whereas the present state of public affairs and the extent of the demand on His Majesty's Military Forces for the protection of the interests of the Empire do, in His Majesty's opinion, constitute a case which justifies such recall of the said Reserve to Active Militia Service:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, in pursuance of the said enactment, that the Militia Reserve of the Island of Jersey as a whole be recalled to active service, and that Notice of this Order be given by Proclamation and by Warning as aforesaid.

And His Majesty is further pleased to direct that this Order, together with the Proclamation aforesaid (a copy whereof accompanies this Order), be entered upon the Register of the Island of Jersey and observed accordingly.

Whereof the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Almeric FitzRoy.

PROCLAMATION GIVING NOTICE OF ORDER IN COUNCIL RECALLING TO ACTIVE SERVICE THE MILITIA RESERVE OF JERSEY.(**a**)

BY THE KING.

A Proclamation relating to the Militia Reserve of the Island of Jersey.

George R.I.

Whereas in pursuance of the Act intituled "Loi sur la Milice" passed by the States of the Island of Jersey on the 10th day of October, 1905, and sanctioned by Order in Council of the 11th day of December, 1905, We were this day pleased, by and with the advice of our Privy Council, to order that the Militia Reserve of the Island of Jersey as a whole be recalled to active service, and that Notice of the Order be given by Proclamation and by Warning to each reservist at his residence.

Now, therefore, We do hereby, by and with the advice of Our Privy Council, by this Our Royal Proclamation, give Notice of Our said Order and do direct that Warning thereof be given to each reservist at his residence.

Given at Our Court at Buckingham Palace, this Fourth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

(**a**) This Proclamation was published in the "London Gazette" of August 4th, 1914, being the 5th Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 5th, 1914, being the 1st Supplement to the Gazette of August 4th; and in the "Dublin Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th, 1914.

NATIONAL HEALTH INSURANCE.

1. Certain Officers, Warrant Officers, and Soldiers.

The National Health Insurance (Officers, Warrant Officers and Soldiers) Regulations, 1914, dated September 30, 1914, being Provisional Regulations made by the Insurance Commissioners under section 46 (7) of the National Insurance Act, 1911 (1 & 2 Geo. 5. c. 55), as amended by the National Insurance (Navy and Army) Act, 1914, with respect to certain Officers, Warrant Officers, and Soldiers.(**a**)

The Insurance Commissioners hereby certify under Section 2 of the Rules Publication Act, 1893,(**b**) that on account of urgency the following Regulations should come into operation immediately, and in exercise of the powers conferred on them by sub-section (7) of Section 46 of the National Insurance Act, 1911, as amended by the National Insurance (Navy and Army) Act, 1914,(**c**) hereby make the following Regulations to come into operation forthwith as Provisional Regulations:—

1. These Regulations may be cited as the National Health Insurance (Officers, Warrant Officers and Soldiers) Regulations, 1914, and shall have effect as from the 1st day of August, 1914.

2.—(1) In these Regulations unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the National Insurance Act, 1911, as amended by the National Insurance (Navy and Army) Act, 1914;(**c**)

"Officer" means any person who, being previously insured, serves during the present war as a commissioned or warrant officer of the Naval Reserves, or an officer of the Reserve or of the Territorial Force, or is granted a temporary commission in the regular forces during the continuance of the present war;

"Soldier" means any soldier specially enlisted for the purposes of the present war;

"Commencement of service" means, in the case of an officer, the date on which he begins to serve as an officer for the purposes of the present war, and in the case of a soldier, the date of his enlistment;

"Discharge" includes any termination of service.

(**a**) Corresponding Regulations made by the Welsh Insurance Commissioners are printed at p. 195 below, and it is (September 30th, 1914) understood that the Scottish and the Irish Insurance Commissioners are making similar Regulations.

(**b**) 56 & 57 Vict. c. 66.

(**c**) 4 & 5 Geo. 5. c. 81, printed at p. 39 above.

(2) The Interpretation Act, 1889,(**a**) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In the application of Section 46 of the Act as amended by the National Insurance Act, 1913,(**b**) and of any Regulations(**c**) made thereunder and for the time being in force (other than these Regulations), to soldiers after the commencement of service, the following adaptations and modifications shall have effect:—

The provisions of Section 46 shall not apply to any soldier who was not immediately before enlistment an insured person and who within such time as the Army Council may determine elects not to become insured during the period of his service.

4. In the application of the aforesaid Section and Regulations to officers and soldiers after the commencement of service, the following adaptations and modifications shall have effect:—

(1) The commencement of service shall, in the case of officers, be treated as if it were the date of enlistment mentioned in Section 46 of the Act, and, notwithstanding anything in sub-section (2) of Section 46, the provisions of sub-section (3) of that section, as modified by these Regulations, shall, in the case of an officer or soldier who has not joined an approved society before the commencement of service, apply immediately after that date.

(2)—(*a*) The provisions of paragraph (*d*) of sub-section (3) of Section 46 of the Act shall not apply to an officer or soldier who was immediately before the commencement of service a deposit contributor, but any sum standing to his credit in the Deposit Contributors Fund shall be retained in that fund until the date of discharge.

(*b*) Upon his discharge, paragraph (*g*) of sub-section (3) of Section 46 shall not apply, but if he does not become a member of the Navy and Army Insurance Fund under the provisions of paragraph (*h*) of sub-section (3) of Section 46, the value of the contributions paid by or in respect of him between the commencement of service and the date of discharge shall be carried to his credit in the Deposit Contributors Fund.

(*c*) If after the date of discharge he becomes entitled to benefits out of the Navy and Army Insurance Fund, he shall be treated as if the Navy and Army Insurance Fund were an approved society and he had become a

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(**a**) 52 & 53 Vict c. 63.

(**b**) 3 & 4 Geo 5. c. 37.

(**c**) Such of the Regulations under section 46 of the 1911 Act as are "Statutory Rules and Orders" are printed and purchaseable in that form, and the Notes in the Annual "Volumes of Statutory Rules and Orders" for 1912 and 1913, and in the triennially published Index (last edition 1913) give references to all Regulations issued as "Provisional" and not superseded by Statutory Rules. In 1913 a Volume of National Health Insurance Rules and Orders complete to the end of 1912 was issued consisting of extracts from the works mentioned, all of which are edited by the Editor of this Manual, and published by Authority. The scope of the present Manual is confined to Regulations made in consequence of the war, of which full text is here given.

member of that Fund at the commencement of service, and any sum standing to his credit in the Deposit Contributors Fund shall be dealt with accordingly.

Given under the Seal of Office of the Insurance Commissioners this 30th day of September in the year one thousand nine hundred and fourteen.

(L.S.) *John Anderson*,
Secretary to the Insurance Commissioners.

THE NATIONAL HEALTH INSURANCE (OFFICERS, WARRANT OFFICERS, AND SOLDIERS) REGULATIONS (WALES), 1914, DATED OCTOBER 2, 1914, BEING PROVISIONAL REGULATIONS MADE BY THE WELSH INSURANCE COMMISSIONERS UNDER SECTION 46 (7) OF THE NATIONAL INSURANCE ACT, 1911 (1 & 2 GEO. 5, C. 55), AS AMENDED BY THE NATIONAL INSURANCE (NAVY AND ARMY) ACT, 1914, WITH RESPECT TO CERTAIN OFFICERS, WARRANT OFFICERS, AND SOLDIERS.

The Welsh Insurance Commissioners hereby certify under Section 2 of the Rules Publication Act, 1893,(**a**) that on account of urgency the following Regulations should come into operation immediately, and in exercise of the powers conferred on them by sub-section (7) of Section 46 and Sections 65 and 82 of the National Insurance Act, 1911, as amended by the National Insurance (Navy and Army) Act, 1914,(**b**) hereby make the following Regulations to come into operation forthwith as Provisional Regulations.

1. These Regulations may be cited as the National Health Insurance (Officers, Warrant Officers and Soldiers) Regulations (Wales), 1914, and shall have effect as from the 1st day of August, 1914.

2.—(1) In these Regulations unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the National Insurance Act, 1911, as amended by the National Insurance (Navy and Army) Act, 1914;

"Officer" means any person who, being previously insured, serves during the present war as a commissioned or warrant officer of the Naval Reserve, or an officer of the Reserve or of the Territorial Force, or is granted a temporary commission in the regular forces during the continuance of the present war;

(**a**) 56 & 57 Vict. c. 66.
(**b**) 4 & 5 Geo. 5. c. 81, printed at p. 39 above.

"Soldier" means any soldier specially enlisted for the purposes of the present war;

"Commencement of service" means, in the case of an officer, the date on which he begins to serve as an officer for the purposes of the present war, and in the case of a soldier, the date of his enlistment;

"Discharge" includes any termination of service.

(2) The Interpretation Act, 1889,(**a**) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In the application of Section 46 of the Act as amended by the National Insurance Act, 1913,(**b**) and of any Regulations (**c**) made thereunder and for the time being in force (other than these Regulations), to soldiers after the commencement of service, the following adaptations and modifications shall have effect:—

The provisions of Section 46 shall not apply to any soldier who was not immediately before enlistment an insured person and who within such time as the Army Council may determine elects not to become insured during the period of his service.

4. In the application of the aforesaid Section and Regulations to officers and soldiers after the commencement of service, the following adaptations and modifications shall have effect:—

(1) The commencement of service shall, in the case of officers, be treated as if it were the date of enlistment mentioned in Section 46 of the Act, and, notwithstanding anything in sub-section (2) of Section 46, the provisions of sub-section (3) of that section, as modified by these Regulations, shall, in the case of an officer or soldier who has not joined an approved society before the commencement of service, apply immediately after that date.

(2)—(*a*) The provisions of paragraph (*d*) of sub-section (3) of Section 46 of the Act shall not apply to an officer or soldier who was immediately before the commencement of service a deposit contributor, but any sum standing to his credit in the Deposit Contributors Fund shall be retained in that fund until the date of discharge.

(*b*) Upon his discharge, paragraph (*g*) of sub-section (3) of Section 46 shall not apply, but if he does not become a member of the Navy and Army Insurance Fund under the provisions of paragraph (*h*) of sub-section (3) of Section 46, the value of the contributions paid by or in respect of him between the commencement of service and the date of discharge shall be carried to his credit in the Deposit Contributors Fund.

(*c*) If after the date of discharge he becomes entitled to benefits out of the Navy and Army Insurance Fund, he shall be treated as if the Navy and Army Insurance Fund were an approved society and he had become a

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(**a**) 52 & 53 Vict. c. 63.

(**b**) 3 & 4 Geo. 5. c. 37.

(**c**) As to Regulations made previously to, or not in direct consequence of, the War, *see* footnote (**c**) p. 194 above.

member of that Fund at the commencement of service, and any sum standing to his credit in the Deposit Contributors Fund shall be dealt with accordingly.

Given under the Seal of Office of the Welsh Insurance Commissioners this 2nd day of October, in the year one thousand nine hundred and fourteen.

(L.S.) *Percy E. Watkins*,
A person authorised by the Welsh Insurance Commissioners to act on behalf of their Secretary.

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2. Naval and Army Reserve Men, and Territorial Force Men.

THE NATIONAL HEALTH INSURANCE (NAVAL AND ARMY RESERVES AND TERRITORIAL FORCE) REGULATIONS, 1914, DATED SEPTEMBER 11, 1914, BEING PROVISIONAL REGULATIONS MADE BY THE INSURANCE COMMISSIONERS UNDER SECTION 46 (7) OF THE NATIONAL INSURANCE ACT, 1911 (1 & 2 GEO. 5, C. 55), WITH RESPECT TO MEN BELONGING TO THE NAVAL RESERVES, THE ARMY RESERVE, AND THE TERRITORIAL FORCE.

The Insurance Commissioners hereby certify under Section 2 of the Rules Publication Act, 1893,(**a**) that on account of urgency the following Regulations should come into operation immediately, and in exercise of the powers conferred on them by sub-section (7) of Section 46 of the National Insurance Act, 1911, hereby make the following Regulations to come into operation forthwith as Provisional Regulations.

1. These Regulations may be cited as the National Health Insurance (Naval and Army Reserves and Territorial Force) Regulations, 1914, and shall have effect as from the 1st day of August, 1914.

2.—(1) In these Regulations unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the National Insurance Act, 1911:

"Reservist" means a man belonging to the Naval Reserves or to the Army Reserve, and includes a man of the Territorial Force;

"Commencement of service" means in the case of Reservists the dates on which the Naval Reserves, the Army Reserve, and the Territorial Force become employed on service during war or any emergency, or are called out on permanent service, or are called out on embodiment respectively, and, in the case of a man who becomes employed on service in the Naval Reserves, or is called out on permanent service in the Army Reserve, or joins the Territorial Force after those dates, means the date when he becomes so employed, or is called out or joins;

"Discharge" includes any termination of service.

(**a**) 56 & 57 Vict. c. 66.

(2) The Interpretation Act, 1889,(**a**) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In the application of Section 46 of the Act as amended by the National Insurance Act, 1913,(**b**) and of any Regulations(**c**) made thereunder and for the time being in force (other than these Regulations), to reservists after the commencement of service, the following adaptations and modifications shall have effect:—

(1) The commencement of service shall be treated as if it were the date of enlistment, and, notwithstanding anything in sub-section (2) of Section 46 of the Act, the provisions of sub-section (3) of that section, as modified by these Regulations, shall, in the case of a reservist who has not joined an approved society before the commencement of service, apply immediately after that date.

(2) (*a*) The provisions of paragraph (*d*) of sub-section (3) of Section 46 of the Act shall not apply to a reservist who was immediately before the commencement of service a deposit contributor, but any sum standing to his credit in the Deposit Contributors Fund shall be retained in that fund until the date of discharge.

(*b*) Upon his discharge, paragraph (*g*) of sub-section (3) of Section 46 shall not apply, but if he does not become a member of the Navy and Army Insurance Fund under the provisions of paragraph (*h*) of sub-section (3) of Section 46, the value of the contributions paid by or in respect of him between the commencement of service and the date of discharge shall be carried to his credit in the Deposit Contributors Fund.

(*c*) If after the date of discharge he becomes entitled to benefits out of the Navy and Army Insurance Fund, he shall be treated as if the Navy and Army Insurance Fund were an approved society and he had become a member of that Fund at the commencement of service, and any sum standing to his credit in the Deposit Contributors Fund shall be dealt with accordingly.

(3) The provisions of Section 46 shall not apply to any member of the Naval Reserves or of the Territorial Force who was not immediately before the commencement of service an insured person and who within such time as the Admiralty or Army Council may determine elects not to become insured during the period of his service.

Given under the Seal of Office of the Insurance Commissioners this 11th day of September in the year one thousand nine hundred and fourteen.

(L.S.)

John Anderson,
Secretary to the Insurance
Commissioners.

(**a**) 52 & 53 Vict. c. 63.

(**b**) 3 & 4 Geo. 5. c. 37.

(**c**) As to Regulations made previously to, or not in direct consequence of, the War, *see* footnote (**c**), p. 194 above.

THE NATIONAL HEALTH INSURANCE (NAVAL AND ARMY RESERVES AND TERRITORIAL FORCE) REGULATIONS (SCOTLAND) 1914, DATED SEPTEMBER 12, 1914, MADE BY THE SCOTTISH INSURANCE COMMISSIONERS UNDER SECTION 46 (7) AND SECTIONS 65 AND 80 OF THE NATIONAL INSURANCE ACT, 1911 (1 & 2 GEO. 5. c. 55) WITH RESPECT TO MEN BELONGING TO THE NAVAL RESERVES, THE ARMY RESERVE, AND THE TERRITORIAL FORCE.

1914. No. $\frac{1388}{\text{S. }92}$.

The Scottish Insurance Commissioners in exercise of the powers conferred on them by Sub-section (7) of Section 46 and Sections 65 and 80 of the National Insurance Act, 1911, hereby make the following Regulations:—

1. These Regulations may be cited as the National Health Insurance (Naval and Army Reserves and Territorial Force) Regulations (Scotland), 1914, and shall have effect as from the 1st day of August 1914.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the National Insurance Act, 1911;

"Reservist" means a man belonging to the Naval Reserves or to the Army Reserve, and includes a man of the Territorial Force;

"Commencement of service" means in the case of Reservists the dates on which the Naval Reserves, the Army Reserve, and the Territorial Force become employed on service during war or any emergency, or are called out on permanent service, or are called out on embodiment respectively, and, in the case of a man who becomes employed on service in the Naval Reserves, or is called out on permanent service in the Army Reserves, or joins the Territorial Force after those dates, means the date when he becomes so employed, or is called out or joins;

"Discharge" includes any termination of service.

(2) The Interpretation Act, 1889,(**a**) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In the application of Section 46 of the Act as amended by the National Insurance Act, 1913,(**b**) and of any Regulations(**c**) made thereunder and for the time being in force (other than these

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(**a**) 52 & 53 Vict. c. 63.

(**b**) 3 & 4 Geo. 5. c. 37.

(**c**) As to Regulations made previously to, or not in direct consequence of, the War, see footnote (**c**) p. 194 above.

Regulations), to reservists after the commencement of service, the following adaptations and modifications shall have effect:—

(1) The commencement of service shall be treated as if it were the date of enlistment, and, notwithstanding anything in Sub-section (2) of Section 46 of the Act, the provisions of Sub-section (3) of that Section as modified by these Regulations, shall, in the case of a reservist who has not joined an Approved Society before the commencement of service, apply immediately after that date.

(2) (*a*) The provisions of paragraph (*d*) of Sub-section (3) of Section 46 of the Act shall not apply to a reservist who was immediately before the commencement of service a deposit contributor, but any sum standing to his credit in the Deposit Contributors Fund shall be retained in that fund until the date of discharge.

(*b*) Upon his discharge, paragraph (*g*) of Sub-section (3) of Section 46 shall not apply, but if he does not become a member of the Navy and Army Insurance Fund under the provisions of paragraph (*h*) of Sub-section (3) of Section 46, the value of the contributions paid by or in respect of him between the commencement of service and the date of discharge shall be carried to his credit in the Deposit Contributors Fund.

(*c*) If after the date of discharge he becomes entitled to benefits out of the Navy and Army Insurance Fund, he shall be treated as if the Navy and Army Insurance Fund were an Approved Society and he had become a member of that Fund at the commencement of service, and any sum standing to his credit in the Deposit Contributors Fund shall be dealt with accordingly.

(3) The provisions of Section 46 shall not apply to any member of the Naval Reserves or of the Territorial Force who was not immediately before the commencement of service an insured person, and who within such time as the Admiralty or Army Council may determine elects not to become insured during the period of his service.

Given under the Seal of Office of the Scottish Insurance Commmissioners this twelfth day of September in the year one thousand nine hundred and fourteen.

(L.S.) *H. L. F. Fraser,*

Assistant Secretary to the Scottish Insurance Commissioners, a person authorised by the said Commissioners to act on behalf of their Secretary.

THE NATIONAL HEALTH INSURANCE (NAVAL AND ARMY RESERVES AND TERRITORIAL FORCE) REGULATIONS (IRELAND), 1914, DATED SEPTEMBER 16, 1914, BEING PROVISIONAL REGULATIONS MADE BY THE IRISH INSURANCE COMMISSIONERS UNDER SECTION 46 (7) OF THE NATIONAL INSURANCE ACT, 1911 (1 & 2 GEO. 5, C. 55), WITH RESPECT TO MEN BELONGING TO THE NAVAL RESERVES, THE ARMY RESERVE, AND THE TERRITORIAL FORCE.

The Irish Insurance Commissioners hereby certify under Section 2 of the Rules Publication Act, 1893,(**a**) that on account of urgency the following Regulations should come into operation immediately, and in exercise of the powers conferred on them by sub-section (7) of Section 46 of the National Insurance Act, 1911, hereby make the following Regulations to come into operation forthwith as Provisional Regulations.

1. These Regulations may be cited as the National Health Insurance (Naval and Army Reserves and Territorial Force) Regulations (Ireland), 1914, and shall have effect as from the 1st day of August, 1914.

2.—(1) In these Regulations unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the National Insurance Act, 1911;

"Reservist" means a man belonging to the Naval Reserves or to the Army Reserve, and includes a man of the Territorial Force;

"Commencement of service" means in the case of Reservists the dates on which the Naval Reserves, the Army Reserve, and the Territorial Force become employed on service during war or any emergency, or are called out on permanent service, or are called out on embodiment respectively, and, in the case of a man who becomes employed on service in the Naval Reserves, or is called out on permanent service in the Army Reserve, or joins the Territorial Force after those dates, means the date when he becomes so employed, or is called out or joins;

"Discharge" includes any termination of service.

(2) The Interpretation Act, 1889,(**b**) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In the application of Section 46 of the Act as amended by the National Insurance Act, 1913,(**c**) and of any Regulations(**d**) made thereunder and for the time being in force (other than these

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(**a**) 56 & 57 Vict. c. 66.
(**b**) 52 & 53 Vict. c. 63.
(**c**) 3 & 4 Geo. 5. c. 37.
(**d**) As to Regulations made previously to, or not in direct consequence of, the War, *see* footnote (**c**), p. 194 above.

Regulations), to reservists after the commencement of service, the following adaptations and modifications shall have effect:—

(1) The commencement of service shall be treated as if it were the date of enlistment, and, notwithstanding anything in sub-section (2) of Section 46 of the Act, the provisions of sub-section (3) of that section, as modified by these Regulations, shall, in the case of a reservist who has not joined an approved society before the commencement of service apply immediately after that date.

(2)—(*a*) The provisions of paragraph (*d*) of sub-section (3) of Section 46 of the Act shall not apply to a reservist who was immediately before the commencement of service a deposit contributor, but any sum standing to his credit in the Deposit Contributors Fund shall be retained in that fund until the date of discharge.

(*b*) Upon his discharge, paragraph (*g*) of sub-section (3) of Section 46 shall not apply, but if he does not become a member of the Navy and Army Insurance Fund under the provisions of paragraph (*h*) of sub-section (3) of Section 46, the value of the contributions paid by or in respect of him between the commencement of service and the date of discharge shall be carried to his credit in the Deposit Contributors Fund.

(*c*) If after the date of discharge he becomes entitled to benefits out of the Navy and Army Insurance Fund, he shall be treated as if the Navy and Army Insurance Fund were an approved society and he had become a member of that Fund at the commencement of service, and any sum standing to his credit in the Deposit Contributors Fund shall be dealt with accordingly.

(3) The provisions of Section 46 shall not apply to any member of the Naval Reserves or of the Territorial Force who was not immediately before the commencement of service an insured person and who within such time as the Admiralty or Army Council may determine elects not to become insured during the period of his service.

Given under the Seal of Office of the Irish Insurance Commissioners this 16th day of September in the year one thousand nine hundred and fourteen.

(L.S.) *Pierce Kent,*

A person authorised by the Irish Insurance Commissioners to act on behalf of their Secretary.

THE NATIONAL HEALTH INSURANCE (NAVAL AND ARMY RESERVES AND TERRITORIAL FORCE) REGULATIONS (WALES), 1914, DATED SEPTEMBER 11, 1914, BEING PROVISIONAL REGULATIONS MADE BY THE WELSH INSURANCE COMMISSIONERS UNDER SECTION 46 (7) AND SECTIONS 65 AND 82 OF THE NATIONAL INSURANCE ACT, 1911 (1 & 2 GEO. 5. c. 55), WITH RESPECT TO MEN BELONGING TO THE NAVAL RESERVES, THE ARMY RESERVE, AND THE TERRITORIAL FORCE.

The Welsh Insurance Commissioners hereby certify under Section 2 of the Rules Publication Act, 1893,(**a**) that on account of urgency the following Regulations should come into operation immediately, and in exercise of the powers conferred on them by sub-section (7) of Section 46 and Sections 65 and 82 of the National Insurance Act, 1911, hereby make the following Regulations to come into operation forthwith as Provisional Regulations.

1. These Regulations may be cited as the National Health Insurance (Naval and Army Reserves and Territorial Force) Regulations (Wales), 1914, and shall have effect as from the 1st day of August, 1914.

2.—(1) In these Regulations unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the National Insurance Act, 1911;

"Reservist" means a man belonging to the Naval Reserves or to the Army Reserve, and includes a man of the Territorial Force;

"Commencement of service" means in the case of Reservists the dates on which the Naval Reserves, the Army Reserve, and the Territorial Force become employed on service during war or any emergency, or are called out on permanent service, or are called out on embodiment respectively, and, in the case of a man who becomes employed on service in the Naval Reserves, or is called out on permanent service in the Army Reserve, or joins the Territorial Force after those dates, means the date when he becomes so employed, or is called out or joins;

"Discharge" includes any termination of service.

(2) The Interpretation Act, 1889,(**b**) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In the application of Section 46 of the Act as amended by the National Insurance Act, 1913,(**c**) and of any Regulations(**d**)

(**a**) 56 & 57 Vict. c. 66.
(**b**) 52 & 53 Vict. c. 63.
(**c**) 3 & 4 Geo. 5. c. 37.
(**d**) As to Regulations made previously to, or not in direct consequence of, the War, *see* footnote (**c**) at p. 194 above.

made thereunder and for the time being in force (other than these Regulations), to reservists after the commencement of service, the following adaptations and modifications shall have effect:—

(1) The commencement of service shall be treated as if it were the date of enlistment, and, notwithstanding anything in sub-section (2) of Section 46 of the Act, the provisions of sub-section (3) of that section, as modified by these Regulations, shall, in the case of a reservist who has not joined an approved society before the commencement of service, apply immediately after that date.

(2) The provisions of paragraph (*d*) of sub-section (3) of Section 46 of the Act shall not apply to a reservist who was immediately before the commencement of service a deposit contributor, but any sum standing to his credit in the Deposit Contributors Fund shall be retained in that fund until the date of discharge.

(3) Upon his discharge, paragraph (*g*) of sub-section (3) of Section 46 shall not apply, but if he does not become a member of the Navy and Army Insurance Fund under the provisions of paragraph (*h*) of sub-section (3) of Section 46, the value of the contributions paid by or in respect of him between the commencement of service and the date of discharge shall be carried to his credit in the Deposit Contributors Fund.

(4) If after the date of discharge he becomes entitled to benefits out of the Navy and Army Insurance Fund, he shall be treated as if the Navy and Army Insurance Fund were an approved society and he had become a member of that Fund at the commencement of service, and any sum standing to his credit in the Deposit Contributors Fund shall be dealt with accordingly.

(5) The provisions of Section 46 shall not apply to any member of the Naval Reserves or of the Territorial Force who was not immediately before the commencement of service an insured person and who within such time as the Admiralty or Army Council may determine elects not to become insured during the period of his service.

Given under the Seal of Office of the Welsh Insurance Commissioners this 11th day of September in the year one thousand nine hundred and fourteen.

(L.S.) *Percy E. Watkins,*

A person authorised by the Welsh Insurance Commissioners to act on behalf of their Secretary.

NAVY AND NAVAL RESERVES.

PROCLAMATION, DATED AUGUST 3, 1914, UNDER SECTION 9 OF THE NAVAL ENLISTMENT ACT, 1853 (16 & 17 VICT. c. 69) EXTENDING THE SERVICES OF TIME-EXPIRED MEN IN THE ROYAL NAVY.(a)

1914. No. 1175.

BY THE KING.

A Proclamation for Extending the Services of Time-expired Men in the Royal Navy.

George R.I.

Whereas by the ninth section of an Act passed in the Session of Parliament holden in the 16th and 17th years of the Reign of Queen Victoria, intituled "An Act to make better provision concerning the entry and service of Seamen and otherwise to amend the laws concerning Her Majesty's Navy," it is enacted that in case We shall by Proclamation call upon the seamen or any class or classes serving in Our Navy or such of them as may be required so to do to extend the term of their services, any seaman to whom such Proclamation shall extend, and whose term of service shall have expired at the date of such Proclamation, or may expire while such Proclamation shall continue in force, shall be required to serve for a period of five years from the expiration of such term, if his services be so long required, and shall be liable to serve accordingly, and shall for such extension of service be entitled to such bounty as may be given by such Proclamation:

And whereas We, by and with the advice of Our Privy Council, deem it expedient to extend the service of all classes of men now serving in Our Navy whose term of service may have expired or may expire while this Proclamation shall continue in force:

We, by and with the advice aforesaid, do hereby order and direct that all classes of men now serving in Our Navy whose term of service may have expired or may expire while this Proclamation shall continue in force shall be required to serve for a period of five years from the expiration of their respective terms of service, if their services be so long required.

Each man whose service is extended is to receive a gratuity of three pounds ten shillings for clothing and bedding.

Given at Our Court at Buckingham Palace, this Third day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

(**a**) This Order was published in the "London Gazette" of August 3rd, 1914, being the 3rd Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 4th, 1914; and in the "Dublin Gazette" of August 4th, 1914.

ORDER IN COUNCIL CALLING OFFICERS OF THE RESERVED AND RETIRED LISTS INTO ACTIVE SERVICE AND SUSPENDING COMPULSORY RETIREMENT FROM THE ACTIVE LIST.(a)

At the Court at Buckingham Palace, the 3rd day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, in the words following, viz.: —

> "Whereas we are of opinion that the present state of Public Affairs justifies Officers of the Reserve and Retired Lists being called into Active Service temporarily; we would humbly submit that Your Majesty will be pleased to authorize us to call on such Officers to hold themselves in readiness for Active Service, and to sanction our employing any of such Officers as we may think fit. We would also submit that compulsory retirement from the Active List on account of age be suspended in such cases as we think fit."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

Almeric FitzRoy.

PROCLAMATION, DATED AUGUST 3, 1914, CALLING OUT MEN OF THE ROYAL NAVAL RESERVE AND ROYAL FLEET RESERVE, AND OFFICERS AND MEN OF THE ROYAL NAVAL VOLUNTEER RESERVE.(b)

1914. No. 1176.

BY THE KING.

A Proclamation for Calling out Men of the Royal Naval Reserve and Royal Fleet Reserve, and Officers and Men of the Royal Naval Volunteer Reserve.

George R.I.

Whereas, by the fourth section of the Royal Naval Reserve (Volunteer) Act, 1859,(c) it is enacted that it shall be lawful for

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(a) This Order was published in the "London Gazette" of August 4th, 1914, being the 5th Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 5th, 1914, being the 1st Supplement to the Gazette of August 4th; and in the "Dublin Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th, 1914.

(b) This Proclamation was published in the "London Gazette" of August 3rd, 1914, being the 3rd Supplement to the Gazette of July 31st; in the "Edinburgh Gazette" of August 4th, 1914; and in the "Dublin Gazette" of August 4th, 1914.

(c) 22 & 23 Vict. c. 40.

Us on such occasions as We shall deem fit (the occasion being first communicated to Parliament if Parliament be sitting or declared in Council and notified by Proclamation if Parliament be not sitting or in being) to order and direct that the Volunteers under that Act, or so many or such part of them as We may deem necessary, shall be called into actual service:

And whereas by the Royal Naval Reserve Volunteer Act, 1896,(**a**) as amended by the Royal Naval Reserve Act, 1902,(**b**) it is enacted that the power under the said Act of 1859 to raise and pay Volunteers may be exercised outside the British Islands in respect of British subjects:

And whereas by the Naval Reserve Act, 1900,(**c**) the Admiralty are authorized to raise and keep up a new division, commonly known as the Royal Fleet Reserve, of the force raised under the said first recited Act in addition to the men raised under that Act, and such new division is liable to be called out as part of the Royal Naval Reserve under the said fourth section of the said Act of 1859:

And whereas by the Naval Forces Act, 1903,(**d**) it is provided that the Admiralty may raise and maintain a force to be called the Royal Naval Volunteer Reserve, and that certain provisions of the said Act of 1859 (including the fourth section of that Act) as amended by any subsequent enactment shall apply to the force so raised:

And whereas by the first section of the Naval Reserve (Mobilisation) Act, 1900,(**e**) amending the said Act of 1859, it is enacted that it shall be lawful for Us where We order and direct that Volunteers under that Act shall be called into actual service to authorize the Admiralty to give and, when given, to revoke or vary, such directions as may seem necessary or proper for calling out all or any of the said Volunteers as the occasion may require:

And whereas Parliament is not sitting:

And whereas We have declared in Council and hereby notify that owing to the state of Public Affairs and the demands upon Our Naval Forces for the protection of the Empire an occasion has arisen for ordering and directing as in the said Act provided:

We do by this Our Proclamation order and direct that Volunteers under the said Acts shall be called into actual service:

And We do hereby authorize the said Lords Commissioners of the Admiralty to give and, when given, to revoke or vary, such directions as may seem necessary or proper for calling out all or any of the said Volunteers as the occasion may require.

Given at Our Court at Buckingham Palace, this Third day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

(**a**) 59 & 60 Vict. c. 33.
(**b**) 2 Edw. 7. c. 5.
(**c**) 63 & 64 Vict. c. 52.
(**d**) 3 Edw. 7. c. 6.
(**e**) 63 & 64 Vict. c. 17.

ORDER IN COUNCIL PROVIDING FOR THE CANCELLATION OF SO MUCH OF THE ROYAL PROCLAMATION OF SEPTEMBER 17, 1900, AS RELATES TO THE DISTRIBUTION OF THE NET PROCEEDS OF NAVAL PRIZES.(**a**)

1914. No. 1301.

At the Court at Buckingham Palace, the 28th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 26th day of August, 1914, in the words following, viz.:—

> "Whereas Her late Majesty Queen Victoria was graciously pleased by Her Royal Proclamation of the 17th day of September, 1900,(**b**) to regulate, according to the Scheme set forth therein or recognized thereby, the distribution of the net proceeds of Prizes captured from the enemy, of captures and seizures under the several Acts of Parliament passed relating to the Revenues of Customs, and to Trade and Navigation, for the abolition of the Slave Trade, for the capture and destruction of Pirates and Piratical Vessels, and of the rewards conferred for the same, as also, of the awards for all salvage granted to the Crews of Your Majesty's Ships and Vessels of War, when not otherwise specially apportioned by the terms of the respective awards and allowances.
>
> "And whereas we are of opinion that the conditions governing the distribution of the proceeds of Prizes captured from the enemy when such proceeds are granted by Your Majesty to the Officers and Men of Your Majesty's Fleet, require modification to bring them into accord with modern conditions.
>
> "And whereas it is intended that in lieu of the system of distribution of Prize Money described in the above-mentioned Proclamation there should be substituted, under regulations and conditions to be hereafter announced, a system of Prize Bounties or Gratuities for more general distribution to the Officers and Men of Your Majesty's Naval Forces.
>
> "We humbly beg leave to recommend that Your Majesty will be graciously pleased, by Your Order in Council, to cancel so much of the above-mentioned Proclamation as relates to the distribution of the net proceeds of Prizes captured from the enemy."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

Almeric FitzRoy.

(**a**) This Order was published in the "London Gazette" of August 28th, 1914, being the 1st Supplement to the Gazette of August 28th: in the "Edinburgh Gazette" of August 31st, 1914, being a Supplement to the Gazette of August 28th; and in the "Dublin Gazette" of September 1st, 1914.

(**b**) This Proclamation is printed in "Statutory Rules and Orders Revised" (1904 edition). Vol. IX. "Navy," p. 109.

MEMORANDUM DATED SEPTEMBER 22, 1914, BY THE PARLIAMENTARY AND FINANCIAL SECRETARY TO THE ADMIRALTY AS TO SEPARATION ALLOWANCES TO THE WIVES AND CHILDREN OF SEAMEN, MARINES, AND RESERVISTS BORNE ON THE BOOKS OF H.M. SHIPS.

It has been decided that, *for the period of the present war*, Separation Allowances are to be paid to the wives and children of all Naval ratings, Marines, and Reservists borne on the books of H.M. Ships, conditional upon allotments being declared by the husbands from their pay.

In framing the Scheme which follows, it has been deemed equitable to fix the amount of these new Separation Allowances for the wife and children of the Seamen on a scale which differs from the Separation Allowances provided for the wife and children of the Soldier.

In the first place, the Seaman—especially when his opportunity for earning non-substantive pay is considered—is, generally speaking, in a better position financially than the Soldier of corresponding rank.

In the second place, the Seaman has open to him a better prospect of promotion to higher ratings than the Soldier.

Then in considering the question of granting Separation Allowances, it is appropriate to take into account the fact that the great majority of married men already send their wives, under a long-established system, regular allotments or remittances from their pay month by month.

Ordinary Seamen, of whom there are in the Fleet between 6,000 and 7,000, and who are in the main single young men of about 19 years of age, are entitled out of pay to allot to dependent relatives up to a maximum of 25*s*. a month.

The Able Seaman may be entitled to allot up to £2 5*s*. per month; and higher ratings are entitled to allot larger sums, the general rule being that in each case a man may allot up to within 15*s*. monthly of the total of the pay he receives.

It appears at the present time that the average of the allotments declared—which by the close of the present month will reach a total number of 140,000, or thereabouts—is about £2 2*s*. per month.

Although no actual data exist upon which an absolutely accurate statement can be framed, there can be no doubt that this total of allotments—to which total must be added from 7,000 to 10,000 remittances at present made from time to time during the month in favour of dependent relatives—does cover the very great majority of the wives of Seamen, and a considerable number of aged fathers and mothers.

But in view of the fact that the pay of the lowest ratings is, after all, not such as to permit the men to send anything in the nature of very substantial allotments to their wives and children, it has been decided, as already stated, to grant Separation Allowances *in supplement of the contributions voluntarily made in support of their wives and children by the Seamen from their pay.*

Having regard, however, to the established system of allotments and remittances, it is considered just that the receipt of these Separation Allowances shall be conditional upon the contribution in every case of a regular monthly allotment by the Seaman. This will disturb the existing practice but very slightly, since, as already stated, the very great majority of the Seamen do make regular allotments or remittances, the average of which ranges somewhere about a sum of 10*s.* per week.

No hardship is involved in the suggestion that Seamen of the rating of A.B. and upwards, and Stokers 1st Class and upwards, should continue to make monthly allotments which work out at round about the figure of 10*s.* per week. But there may be married men of lower ratings—although the number cannot be very great—who have not found themselves in a position to allot so large a sum. Though the minimum figure fixed for allotment—receipt of which will entitle to the payment of Separation Allowances—must not be taken as indicating either what the Seamen, generally speaking, have felt themselves able to do in the past, or will feel able to continue to do in the future, *it has been decided that no Separation Allowances will be paid unless an allotment of at least 20s. a month is declared.*

Subject to this proviso, the scale on which the new Separation Allowances will be paid is as follows:—

Sailor.	Marine on Ship's Books.	Wife.	Children.	Motherless Children.
		Per week.	Per week.	Per week.
CLASS I. :— Ordinary Seaman ... Able Seaman ... Leading Seaman ... 2nd Class Petty Officer, and equivalent ratings.	Private ... ... Corporal ... ... Sergeant and equivalent ranks.	6*s.*	1st child, 2*s.* ... 2nd child, 2*s.* ... Subsequent children, 1*s.* each.	3*s.* each.
CLASS II. :— Petty Officer ... Petty Officer, 1st Class, and equivalent ratings.	Colour - Sergeant and equivalent ranks.	7*s.*	Ditto.	Ditto.
CLASS III. :— Chief Petty Officer and equivalent ratings.	Quartermaster-Sergeant and Staff-Sergeant.	8*s.*	Ditto.	Ditto.
CLASS IV. ...	Warrant Officer ...	9*s.*	Ditto.	Ditto.

The payment in respect of children will be made to boys under 14 and girls under 16 years of age.

Families now residing within the London Postal area will receive an additional allowance of 3*s.* 6*d.* per week.

From what has already been said, it will be gathered that these new Separation Allowances—which will be paid weekly, in the manner hereafter described—are intended, not as a means of relieving the Seaman of any part of his obligation to wife and family, but as an additional provision for the purpose of placing the family in a more comfortable position, and of freeing the Seaman from anxiety in respect of the condition of his dependants during the period of the war.

It is not, therefore, to be contemplated that it would be the wish of the Seaman, in consideration of the grant of this new Separation Allowance, to reduce the allotment he has felt called upon to make in the past. On the contrary, it is assumed that he will continue to make allotments on the scale hitherto declared, wherever those have been contributed at a level higher than the minimum which has now been fixed in order that the case of the lowest paid married man may be met.

The assumption finds substantial foundation in the fact that the increase in the Seaman's pay granted in December 1912 was followed by an increase in the number and amount of allotments declared. Further, the care and thoughtfulness of the sailor for his dependants is strikingly shown by the fact that since War was declared the number of allotments has practically doubled—a circumstance very largely due, of course, to the Mobilisation of the Reserve forces.

These new Separation Allowances will, as stated, be paid week by week. They will be paid through local Post Offices by a method somewhat similar to that followed under the Old Age Pensions Act. Application forms will be sent to those wives in whose favour allotments of at least 20*s.* a month have been declared, asking information as to their children, and as to the Post Office at which payment is desired.

After examination of the claim at the Admiralty, a "Certificate of Identity" will be sent to the payee, and a book of 13 Postal Drafts with the name of the payee on its cover will at the same time be sent to the Postmaster of the Office named on the application form.

The wife will thus be able to obtain payment of one draft each week on presentation of her Certificate, which will be stamped by the Post Office as each draft is cashed.

The necessary authority for payment of the new Separation Allowances will be issued as soon as possible, *and Allowances will be paid week by week as from the 1st October* to all persons who are then entitled to receive the same.

The payment of allotments declared by the husband in each case will not be affected by the arrangement made for the payment of the new Separation Allowances. Allotments will continue, for the present at any rate, to be paid monthly.

Admiralty,
22nd September 1914.

NAVAL BILLETING.—MODIFICATIONS EFFECTED IN THE ARMY ACT AS APPLIED TO NAVAL BILLETING BY THE NAVAL BILLETING, &C., ACT, 1914(a).

1914. No. 1468.

Section 108A of the Army Act(b) and the other provisions of the Army Act relating to billeting shall, in their application to the billeting of officers and men of His Majesty's Forces borne on the books of any of His Majesty's ships in commission when employed on detached service in case of war or emergency, have effect as modified and set forth hereunder:—

108A.—(1) Where a Proclamation has been issued by His Majesty calling out all or any of the men of the Naval Reserves in case of war or emergency(c), the Admiralty may by Order, distinctly stating that a case of emergency exists, authorise any commander-in-chief or flag officer whose flag is flying at any port or station in the United Kingdom to issue a billeting requisition.

(2) Any officer so authorised may issue a billeting requisition under his hand reciting the said Order and requiring chief officers of police to provide billets in such places and for such number of officers and men, and their horses, and for such period, as may be specified in the requisition.

(3) The provisions of this Act as to billeting shall apply to billeting under such a requisition as if for references therein to a route there were substituted references to such a requisition, subject, however, to the following modifications:—

(*a*) The occupiers of all public buildings, dwelling-houses, warehouses, barns, and stables shall, as well as the keepers of victualling houses, be liable to billets, and the said provisions shall apply as if references to victualling houses and the keepers of victualling houses included references to such public buildings, dwelling-houses, warehouses, barns, and stables, and the occupiers thereof:

(*b*) The powers and duties conferred or imposed on constables shall be exercised and performed by the chief officers of police, and accordingly for references to constables in the said provisions there shall be substituted references to the chief officers of police, and for the reference to a justice of the peace in subsection (7) of section one hundred and eight there shall be substituted a reference to a court of summary jurisdiction, but a chief officer of police in selecting the persons required to provide billets, and in determining the number of officers and men to be billeted on any person shall, so far as practicable, have regard to the convenience of the several occupiers, and shall act in accordance with any general instructions which may have been issued by the police authority:

(a) 4 & 5 Geo. 5. c. 70, printed at p. 28 above.

(b) The Army Act (44 & 45 Vict. c. 58) has been repeatedly amended and has in accordance with s. 8 (2) of the Army Annual Act, 1885 (48 & 49 Vict. c. 8), been printed with the amendments made down to the passing of the Army (Annual) Act 1914 (4 & 5 Geo. 5. c. 2), and such print has been put on sale.

(c) *See* Proclamation of August 3rd, 1914, printed at p. 206 above.

(*c*) The prices to be paid to an occupier other than the keeper of a victualling house for accommodation furnished, and food and fodder supplied by him, shall be such as may be fixed by regulations made by the Admiralty with the consent of the Treasury:

(*d*) Subsection (2) of section one hundred and three (which defines a route), paragraph (6) of section one hundred and eight (which relates to the power of a justice to vary a route) and paragraph (2) of Part II. of the Second Schedule to the Army Act (which requires billets to be made out to the less distant victualling houses) shall not apply.

(4) Any regulations as to prices so made shall be laid before each House of Parliament as soon as may be after they are made, and if within forty days after they have been so laid either House presents an Address to His Majesty praying that any such regulations may be annulled, His Majesty may thereupon by Order in Council annul the same, and the regulations so annulled shall thenceforth become void without prejudice to anything done thereunder in the meantime.

(5) For the purposes of this section—

The expression "public building" includes any building wholly or partially provided or maintained out of the rates, and any building to which the public habitually have access, whether on payment or otherwise;

The expression "chief officer of police"

(*a*) As respects the City of London, means the Commissioner of City Police, and elsewhere in England has the same meaning as in the Police Act, 1890(**a**):

(*b*) In Scotland has the same meaning as in the Police (Scotland) Act, 1890(**b**);

(*c*) As respects the police district of Dublin metropolis, means the Chief Commissioner of Police for that district, and elsewhere means a county inspector of the Royal Irish Constabulary.

In the case of unoccupied premises this section shall apply as if the owner were the occupier thereof.

(6) Compensation shall be paid by the Admiralty out of money voted by Parliament for naval services in respect of any damage caused by any officer or man billeted under this section to the premises in which he is billeted, and the amount of such compensation shall in the event of disagreement be determined—

(*a*) in England by arbitration under the Arbitration Act, 1889;(**c**)

(*b*) in Scotland in the same manner as a question of disputed compensation under subsection (10) of section twenty-five of the Local Government (Scotland) Act, 1894;(**d**)

(**a**) 53 & 54 Vict. c. 45.
(**b**) 53 & 54 Vict. c. 67.
(**c**) 52 & 53 Vict. c. 49.
(**d**) 57 & 58 Vict. c. 58.

(*c*) in Ireland by arbitration under the Common Law Procedure Amendment Act (Ireland), 1856(**a**) as amended by any subsequent enactment.

Provisions of Army Act applied by Section 108A *thereof.*

103.—(1) Every chief officer of police being in charge at any place in the United Kingdom mentioned in the billeting requisition shall, on the demand of officer or other person in charge of party to be billeted, and on production of such billeting requisition, billet on the occupiers of victualling houses and other premises specified in this Act in that place such number of officers, men, and horses entitled under this Act to be billeted as are mentioned in the billeting requisition and stated to require quarters.

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(3) A billeting requisition purporting to be issued as required by this Act shall be evidence, until the contrary is proved, of its having been duly issued in pursuance of this Act, and if delivered to an officer or man by his commanding officer, shall be a sufficient authority to such officer or man to demand billets, and when produced by an officer or man to a chief officer of police, shall be conclusive evidence to such chief officer of police of the authority of the officer or man producing the same to demand billets in accordance with such billeting requisition.

104.—(1) The provisions of this Part of this Act with respect to victualling houses shall extend to all inns, hotels, livery stables, or alehouses, also to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses or places thereunto belonging, and to all houses of persons selling brandy, spirits, strong waters, cider, or methleglin by retail; and the occupier of a victualling house, inn, hotel, livery stable, alehouse, or any such house as aforesaid shall be subject to billets under this Act, and is in this Act included under the expression "keeper of a victualling house," and the inn, hotel, house, stables, and premises of such occupiers are in this Act included under the expression "victualling house."

* * * * *

105.—(1) All officers and men of His Majesty's Naval forces; and

(2) All horses belonging to His Majesty's Naval forces; * * * * shall be entitled to be billeted.

106.—(1) The keeper of a victualling house or occupier of other premises upon whom any officer, man, or horse is billeted shall receive such officer, man, or horse in his victualling house or premises, and furnish there the accommodation following; that is to say, lodging and attendance for the officer; and lodging, attendance, and food for the man; and stable room and forage for the horse, in accordance with the provisions of the Second Schedule to this Act.

(2) Where the keeper of a victualling house or occupier of other premises on whom any officer, man, or horse is billeted desires,

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(**a**) 19 & 20 Vict. c. 102.

by reason of his want of accommodation or of his victualling house or premises being full or otherwise, to be relieved from the liability to receive such officer, man, or horse in his victualling house or premises, and provides for such officer, man, or horse in the immediate neighbourhood such good and sufficient accommodation as he is required by this Act to provide, and as is approved by the chief officer of police issuing the billets, he shall be relieved from providing the same in his victualling house or premises.

(3) There shall be paid to the keeper of a victualling house or occupier of other premises for the accommodation furnished by him in pursuance of this Act the prices for the time being authorised in this behalf by the regulations made in that behalf.

(4) An officer or man demanding billets in pursuance of this Act shall, before he departs, and if he remains longer than four days, at least once in every four days, pay the just demands of every keeper of a victualling house or occupier of other premises on whom he and any officers and men under his command, and his or their horses (if any) have been billeted.

(5) If by reason of a sudden order to march, or otherwise, an officer or man is not able to make such payment to any keeper of a victualling house or occupier of other premises as is above required, he shall before he departs make up with such keeper of a victualling house or occupier of other premises an account of the amount due to him, and sign the same, and forthwith transmit the account so signed to the Admiralty, who shall forthwith cause the amount named in such account as due to be paid.

107.—(1) The police authority for any place may cause annually a list to be made out of all keepers of victualling houses and ocupiers of other premises within the meaning of this Act in such place, or any particular part thereof, liable to billets under this Act, specifying the situation and character of each victualling house or premises, and the number of men and horses who may be billeted on the keeper or occupier thereof.

(2) The police authority shall cause such list to be kept at some convenient place open for inspection at all reasonable times by persons interested, and any person who feels aggrieved either by being entered in such list, or by being entered to receive an undue proportion of officers, men, or horses, may complain to a court of summary jurisdiction, and the court, after such notice as the court think necessary to persons interested, may order the list to be amended in such manner as the court may think just.

108. The following regulations shall be observed with respect to billeting in pursuance to this Act; that is to say:—

(1) No more billets shall at any time be ordered than there are effective officers, men, and horses present to be billeted:

(2) All billets, when made out by the chief officer of police, shall be delivered into the hands of the officer or other person in charge of the party presenting the billeting requisition, or of some officer or man authorised by such officer or person in charge:

(3) If a keeper of a victualling house or occupier of other premises feels aggrieved by having an undue proportion of officers, men, or horses billeted on him, he may apply to a justice of the peace, or if the billets have been made out by a justice may complain to a court of summary jurisdiction, and the justice or court may order such of the officers, men or horses to be removed and to be billeted elsewhere as may seem just:

(4) A chief officer of police having authority in a place mentioned in the billeting requisition may act for the purposes of billeting in any locality within one mile from such place, unless some chief officer of police ordinarily having authority in such locality is present and undertakes to billet therein the due proportion of officers, men, and horses:

(5) The regulations with respect to billets contained in the Second Schedule to this Act shall be duly observed by the chief officer of police:

* * * * *

(7) A court of summary jurisdiction may require a chief officer of police to give an account in writing of the number of officers, men, and horses billeted by such chief officer of police, together with the names of the keepers of victualling houses and occupiers of other premises on whom such officers, men, and horses are billeted, and the locality of such victualling houses and other premises.

Offences in relation to Billeting.

30. Every person subject to the Naval Discipline Act(**a**) who commits any of the following offences (in this Act referred to as offences in relation to billeting); that is to say,

(1) Is guilty of any ill-treatment, by violence, extortion, or making disturbances in billets, of the occupier of a house in which any person or horse is billeted; or

(2) Being an officer, refuses or neglects, on complaint and proof of such ill-treatment by any officer or man under his command, to cause compensation to be made for the same; or

(3) Fails to comply with the provisions of this Act with respect to the payment of the just demands of the person on whom he or any officer or man under his command, or his or their horses have been billeted, or to the making up and transmitting of an account of the money due to such person; or

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(**a**) The Naval Discipline Act (29 & 30 Vict. c. 109) was amended by the Naval Discipline Act, 1884 (47 & 48 Vict c. 39), and the Naval Discipline Act, 1909 (9 Edw. 7. c. 41), and section 7 (2) of the 1884 Act and section 2 (2) of the 1909 Act provide for all copies of the Naval Discipline Act being printed as so amended.

(4) Wilfully demands billets which are not actually required for some person or horse entitled to be billeted; or

(5) Takes or knowingly suffers to be taken from any person any money or reward for excusing or relieving any person from his liability in respect of the billeting or quartering of officers, men, or horses, or any part of such liability; or

(6) Uses or offers any menace to or compulsion on a chief officer of police or other civil officer to make him give billets contrary to this Act, or tending to deter or discourage him from performing any part of his duty under the provisions of this Act relating to billeting, or tending to induce him to do anything contrary to his said duty; or

(7) Uses or offers any menace to or compulsion on any person tending to oblige him to receive, without his consent, any person or horse not duly billeted upon him in pursuance of the provisions of this Act relating to billeting, or to furnish any accommodation which he is not thereby required to furnish,

shall, on conviction summarily or by court-martial, be liable to dismissal from His Majesty's service with disgrace or such other punishment inferior in degree as is mentioned in section fifty-two of the Naval Discipline Act.

109. If a chief officer of police commits any of the offences following; that is to say,—

(1) Billets any officer, man, or horse, or any person not liable to billets without the consent of such person; or

(2) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve a person from being entered in a list as liable, or from his liability to billets, or from any part of such liability; or

(3) Billets or quarters on any person or premises, without the consent of such person or the occupier of such premises, any person or horse not entitled to be billeted; or

(4) Neglects or refuses after sufficient notice is given to give billets demanded for any officer, man, or horse entitled to be billeted;

he shall, on summary conviction, be liable to a fine of not less than forty shillings and not exceeding ten pounds.

110. If a keeper of a victualling house or occupier of other premises commits any of the offences following; that is to say,—

(1) Refuses or neglects to receive any officer, man, or horse billeted upon him in pursuance of this Act, or to furnish such accommodation as is required by this Act; or

(2) Gives or agrees to give any money or reward to a chief officer of the police to excuse or relieve him from being entered in a list as liable, or from his liability to billets, or any part of such liability; or

(3) Gives or agrees to give to any officer or man billeted upon him in pursuance of this Act any money or reward in lieu of receiving an officer, man, or horse, or furnishing the said accommodation;

he shall, on summary conviction, be liable to a fine of not less than forty shillings and not exceeding five pounds.

111.—(1) If any officer quarters or causes to be billeted any officer, man, or horse, otherwise than is allowed by this Act upon any person, he shall be guilty of a misdemeanour.

(2) If any officer or man commits any offence in relation to billeting for which he is liable to be punished under Part One of this Act, other than an offence in respect of which any other remedy is given by this part of this Act to the person aggrieved, he shall, upon summary conviction, be liable to a fine not exceeding fifty pounds.

(3) A certificate of a conviction for an offence under this section shall be transmitted by the court making such conviction to the Admiralty.

119.—(1) The following persons; that is to say,—

(*a*) If any officer or man fails to comply with the provisions of this part of this Act with respect to the payment of a sum due to a keeper of a victualling house or the occupier of other premises, or to the making up of an account of the sum due, the person to whom the sum is due; or

(*b*) If a keeper of a victualling house, or the occupier of other premises suffers any ill-treatment by violence, extortion, or making disturbance in billets from any officer or man billeted upon him, the person suffering such ill-treatment, but, when there is an officer commanding such officer or man present at the place only after first making due complaint, if practicable to such commanding officer,

may apply to a court of summary jurisdiction, and such court, if satisfied on oath of such failure or such ill-treatment, and of the amount fairly due to the applicant, including the costs of his application to the court of summary jurisdiction, shall certify the same to the Admiralty, who shall forthwith cause the amount due to be paid.

(2) Provided that the Admiralty, if it appear to them that the amount named in such certificate is not justly due, or is in excess of the amount justly due, may direct a complaint to be made to a court of summary jurisdiction for the county, borough, or place for which the court giving the certificate acted, and the court after hearing the case may by order confirm the said certificate, or vary it in such manner as to the court seems just.

120.—(1) A chief officer of police shall observe the directions given to him for the due execution of this part of this Act by the police authority; and the police authority, or any member thereof, and every justice of the peace may, if it seem necessary, and in the absence of a chief officer of police shall, themselves or himself exercise the powers and perform the duties by this part of this Act vested in or imposed on a chief officer of police, and in such case every such person is in this part of this Act included in the expression "chief officer of police."

(2) A person having or executing any naval office or commission in any part of the United Kingdom shall not, directly or indirectly, be concerned, as a justice or chief officer of police, in the billeting of or appointing quarters for any officer or man, or horse of the force, or part of the force, under his immediate command, and all warrants, acts, and things made, done, and appointed by such person for or concerning the same shall be void.

121. If any person—

(1) Forges or counterfeits any billeting requisition, or knowingly produces to a justice or chief officer of police any billeting requisition so forged or counterfeited; or

(2) Personates or represents himself to be an officer or man authorised to demand any billet, or to be entitled to be billeted, or to have his horse billeted; or

(3) Produces to a justice or chief officer of police a billeting requisition which he is not authorised to produce, or a document falsely purporting to be a billeting requisition,

he shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or to a fine not less than twenty shillings and not more than five pounds.

SECOND SCHEDULE.

BILLETING.

PART I.

ACCOMMODATION TO BE FURNISHED BY KEEPER OF VICTUALLING HOUSE OR OCCUPIER OF OTHER PREMISES.

A keeper of a victualling house or occupier of other premises on whom any officer, man, or horse is billeted—

(1) Shall furnish the officer and man with lodging and attendance; and

(2) Shall, if required by the man, furnish him for every day of the march, and for not more than two days, if the man is halted at an intermediate place on the march for more than two days, and on the day of arrival at the place of final destination, with breakfast, hot dinner, and supper on each day, such meals to consist of such quantities of food and drink as may from time to time be fixed by Admiralty Regulations, not exceeding—

(*a*) For breakfast, six ounces of bread, one pint of tea with milk and sugar, four ounces of bacon;

(*b*) For hot dinner, one pound of meat previous to being dressed, eight ounces of bread, eight ounces of potatoes or other vegetables, one pint of beer or mineral water of equal value;

(*c*) For supper, six ounces of bread, one pint of tea with milk and sugar, two ounces of cheese; and

(3) When a man is not so entitled to be furnished with "a meal," shall furnish the man with candles, vinegar, and salt, and allow him the use of fire, and the necessary utensils for dressing and eating his meat; and

(4) Shall furnish stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw on every day for each horse.

For the purposes of this part of this Schedule the expression "furnished with lodging" shall include the provision of a separate bed for each officer and man.

PART II.

REGULATIONS AS TO BILLETS.

(1) When the men are on the march the billets given shall, except in case of necessity or of an order of a justice of the peace, be upon victualling houses or other premises, in or within one mile from the place mentioned in the billeting requisition.

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(3) Except in case of necessity; where horses are billeted, each man and his horse shall be billeted on the same victualling house or other premises.

(4) Except in case of necessity, one man at least shall be billeted where there are one or two horses, and two men at least where there are four horses, and so in proportion for a greater number.

(5) Except in case of necessity, a man and his horse shall not be billeted at a greater distance from each other than one hundred yards.

(6) When any men with their horses are billeted upon the keeper of a victualling house or occupier of other premises who has no stables, on the written requisition of the officer or other person in charge of the party to be billeted the chief officer of police shall billet the men and their horses, or the horses only, on the keeper of some other victualling house or occupier of other premises who has stables, and a court of summary jurisdiction upon complaint by the keeper of the last-mentioned victualling house or occupier of the last-mentioned premises may order a proper allowance to be paid to him by the keeper of the victualling house or occupier of other premises relieved.

(7) An officer demanding billets may allot the billets among the men under his command and their horses as he thinks most expedient for the public service, and may from time to time vary such allotment.

(8) The officer or other person in charge of the party to be billeted may, where it is practicable, require that not less than two men shall be billeted in one house.

NAVAL REQUISITIONS OF EMERGENCY—MODIFICATIONS EFFECTED IN THE ARMY ACT AS APPLIED TO NAVAL REQUISITIONS OF EMERGENCY BY THE NAVAL BILLETING, &C. ACT, 1914.(**a**)

1914. No. 1469.

Section 115 of the Army Act(**b**) and the other provisions of the Army Act relating to the impressment of carriages and other things applied by that section, shall, in their application to the impressment of carriages, animals, vessels, aircraft, food, forage, and stores, required for the purposes of officers and men of His

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(**a**) 4 & 5 Geo. 5. c. 70, printed at p. 28 above.

(**b**) The Army Act (44 & 45 Vict. c. 58) has been repeatedly amended and has in accordance with s. 8 (2) of the Army Annual Act, 1885 (48 & 49 Vict. c. 8) been printed with the amendments made down to the passing of the Army (Annual) Act, 1914 (4 & 5 Geo. 5. c. 2), and such print has been put on sale.

Majesty's Naval Forces borne on the books of any of His Majesty's ships in commission when employed on detached service in case of war or emergency, have effect as modified and set forth hereunder.

115.—(1) Where a Proclamation has been issued by His Majesty calling out all or any of the men of the Naval Reserves in case of war or emergency,(**a**) the Admiralty may by order distinctly stating that a case of emergency exists authorise any commander-in-chief or flag officer whose flag is flying at any port or station in the United Kingdom to issue a requisition of emergency.

(2) The officer so authorised may issue a requisition of emergency under his hand reciting the said order, and requiring justices of the peace to issue their warrants for the provision, for the purpose mentioned in the requisition, of such carriages and animals as may be provided under the foregoing provisions, and also of carriages of every description (including motor cars and other locomotives, whether for the purpose of carriage or haulage), and of horses of every description, whether kept for saddle or draught, and also of vessels (whether boats, barges, or other) used for the transport of any commodities whatsoever upon any canal or navigable river and also of aircraft of every description, and also of food, forage, and stores of every description.

(3) A justice of the peace, on demand by an officer of the portion of His Majesty's naval forces mentioned in a requisition of emergency, or by an officer of the Admiralty authorised in this behalf, and on production of the requisition, shall issue his warrant for the provision of such carriages, animals, vessels, aircraft, food, forage, and stores as are stated by the officer producing the requisition of emergency to be required for the purpose mentioned in the requisition; the warrant shall be executed in the like manner, and all the provisions of this Act as to the provision or furnishing carriages and animals, including those respecting fines on officers, justices, constables, or owners of carriages or animals, shall apply in like manner as in the case where a justice issues, in pursuance of the foregoing provisions of this Act, a warrant for the provision of carriages and animals, and shall apply to vessels, aircraft, food, forage, and stores, as if the expression carriages included vessels, aircraft, food, forage, and stores.

(3A) A requisition of emergency may authorise any officer mentioned therein to require any carriages and horses furnished in pursuance of this section to be delivered at such place (not being more than one hundred miles in the case of a motor car or other locomotive, and not being more than ten miles in the case of any other carriage or horse, from the premises of the owner) and at such time as may be specified by any officer mentioned in the requisition, and in such case it shall be the duty of a constable executing a warrant issued by a justice of the peace under this section upon the demand of an officer producing the requisition of emergency to insert in his order such time and

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(**a**) *See* Proclamation of August 3rd, 1914, printed at p. 206 above.

place for delivery of any vehicle or horse to which the order relates as may be specified by such officer, and the obligation of owners to furnish carriages and horses shall include an obligation to deliver the carriages and horses at such place and time as may be specified in such order, and the provisions of this Act shal have effect as if references therein to the furnishing of carriages and horses included, as respects any such carriage or horse as aforesaid, delivery at such time and place as aforesaid.

(4) The Admiralty shall cause due payment to be made for carriages, animals, vessels, aircraft, food, forage, and stores, furnished in pursuance of this section, and any difference respecting the amount of payment for any carriage, animal, vessel, aircraft, food, forage, and stores, shall be determined by a county court judge having jurisdiction in any place in which such carriage, animal, vessel, aircraft, food, forage, and stores, was furnished or through which it travelled in pursuance of the requisition.

(5) Canal, river, or lock tolls are hereby declared not to be demandable for vessels while employed in any service in pursuance of this section or returning therefrom. And any toll collector who demands or receives toll in contravention of this exemption shall on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

(6) A requisition of emergency, purported to be issued in pursuance of this section and to be signed by an officer therein stated to be authorised in accordance with this section, shall be evidence, until the contrary is proved, of its being duly issued and signed in pursuance of this Act, and if delivered to an officer of His Majesty's naval forces or of the Admiralty shall be a sufficient authority to such officer to demand carriages, animals, vessels, aircraft, food, forage, and stores, in pursuance of this section, and when produced by such officer shall be conclusive evidence to a justice and constable of the authority of such officer to demand, carriages, animals, vessels, aircraft, food, forage, and stores, in accordance with such requisition; and it shall be lawful to convey on such carriages, animals, vessels, and aircraft, not only the baggage, provisions, and naval stores of the detachments mentioned in the requisition of emergency, but also the officers, men, servants, and other persons of and belonging to the same.

(7) The order of the Admiralty authorising an officer to issue a requisition of emergency may authorise him to extend such requisition to the provision of carriages, animals, vessels, aircraft, food, forage, and stores, for the purpose of being purchased, as well as of being hired, on behalf of the Crown.

(8) Where a justice, on demand by an officer and on production of a requisition of emergency, has issued his warrant for the provision of any carriages, animals, vessels, aircraft, food, forage, and stores, and any person ordered in pursuance of such warrant to furnish a carriage, animal, vessel, aircraft, food, forage, or stores, refuses or neglects to furnish the same according to the order, the said officer may seize (and if need be by force) the said carriage, animal, vessel, aircraft, food, forage, or stores, and may use the

same in like manner as if it had been furnished in pursuance of the order, but the said person shall be entitled to payment for the same in like manner as if he had duly furnished the same according to the order.

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Other Provisions of the Army Act applied by Section 115 *thereof.*

112.—(1) The constable or constables shall execute such warrant, and persons having carriages, animals, vessels, aircraft, food, forage, or stores suitable for the said purpose shall, when ordered by a constable in pursuance of such warrant, furnish the same in a state fit for use.

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(4) The warrant ordering carriages, animals, drivers, vessels, aircraft, food, forage, or stores to be provided shall specify the number and description thereof, and also, when not required to be provided for the purpose of being purchased, the places from and to which the same are to travel, and the distances between such places.

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(6) A fee of one shilling and no more shall be paid for the warrant by the officer applying for the same and shall be paid to the clerk of the justice.

Offences in relation to Impressment of Carriages, &c.

31. Every person subject to the Naval Discipline Act(**a**) who commits any of the following offences (in this Act referred to as offences in relation to the impressment of carriages); that is to say,

(1) Wilfully demands any carriages, animals, vessels, aircraft, food, forage or stores, which are not actually required for the purposes authorised by this Act; or

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(3) Constrains any carriage, animal, or vessel furnished in pursuance of the provisions of this Act relating to the impressment of carriages to travel against the will of the person in charge thereof beyond the proper distance, or to carry against the will of such person any greater weight than he is required by the said provision to carry; or

(4) Does not discharge as speedily as practicable any carriage, animal, vessel, or aircraft furnished in pursuance of the provisions of this Act relating to the impressment of carriages; or

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(**a**) The Naval Discipline Act (29 & 30 Vict. c. 109) was amended by the Naval Discipline Act, 1884 (47 & 48 Vict. c. 39), and the Naval Discipline Act, 1909 (9 Edw. 7. c. 41), and section 7 (2) of the 1884 Act and section 2 (2) of the 1909 Act provide for all copies of the Naval Discipline Act being printed as so amended.

(5) Compels the person in charge of any such carriage, animal, vessel, or aircraft, or permits him to be compelled, to take thereon any baggage or stores not entitled to be carried, or, except where the carriage or animal is furnished upon a requisition of emergency, to take thereon any man or servant (except such as are sick), or any woman or person; or

(6) Ill-treats or permits such person in charge to be ill-treated; or

(7) Uses or offers any menace to or compulsion on a constable to make him provide any carriage, animal, vessel, aircraft, food, forage or stores, which he is not bound in pursuance of the provisions of this Act relating to the impressment of carriages to provide, or tending to deter or discourage him from performing any part of his duty in relation to the providing of carriages, animals, vessels, aircraft, food, forage or stores, or tending to induce him to do anything contrary to his said duty; or

(8) Forces any carriage, animal, vessel, aircraft, food, forage or stores, from the owner thereof,

shall, on conviction summarily or by court-martial, be liable to dismissal from His Majesty's service with disgrace or such other punishment inferior in degree as is mentioned in section fifty-two of the Naval Discipline Act.

116. Any constable who—

(1) Neglects or refuses to execute any warrant of a justice, requiring him to provide carriages, animals, vessels, aircraft, food, forage or stores; or

(2) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve any person from being entered in a list as liable to furnish, or from being required to furnish, or from furnishing any carriage, animal, vessel, aircraft, food, forage or stores; or

(3) Orders any carriage, animal, vessel, aircraft, food, forage or stores, to be furnished for any person or purpose or on any occasion for and on which it is not required by this Act to be furnished,

shall, on summary conviction, be liable to a fine of not less than twenty shillings nor more than twenty pounds.

117. A person ordered by any constable in pursuance of this Act to furnish a carriage, animal, vessel, aircraft, food, forage or stores who—

(1) Refuses or neglects to furnish the same according to the orders of such constable and this Act; or

(2) Gives or agrees to give to a constable or to any officer any money or reward whatsoever to be excused from being entered in a list as liable to furnish, or from being required to furnish, or from furnishing, or in lieu of furnishing, any carriage, animal, vessel, aircraft, food, forage or stores in pursuance of this Act; or

(3) Does any act or thing by which the execution of any warrant or order for providing or furnishing carriages, animals, vessels, aircraft, food, forage, or stores is hindered,

shall, on summary conviction, be liable to pay a fine of not less than forty shillings nor more than ten pounds.

118.—(1) Any officer or man who commits any offence in relation to the impressment of carriages for which he is liable to be punished under Part One of the Naval Discipline Act, other than an offence in respect of which any other remedy is given by this part of this Act to the person aggrieved, shall, on summary conviction, be liable to a fine not exceeding fifty pounds nor less than forty shillings.

(2) A certificate of a conviction for an offence under this section shall be transmitted by the court making such conviction to the Admiralty.

119.—(1) The following persons; that is to say,—

(*a*) If any officer or man fails to comply with the provisions of this part of this Act in respect of carriages or animals, or to the making up of an account of the sum due, the person to whom the sum is due; or

(*b*) If the owner or driver of any carriage, animal, vessel, aircraft, food, forage or stores furnished in pursuance of this part of this Act suffers any ill-treatment from any officer or man, the person suffering such ill-treatment, but, when there is an officer commanding such officer or man present at the place only after first making due complaint, if practicable to such commanding officer,

may apply to a court of summary jurisdiction, and such court, if satisfied on oath of such failure or such ill-treatment, and of the amount fairly due to the applicant, including the costs of his application to the court of summary jurisdiction, shall certify the same to the Admiralty, who shall forthwith cause the amount due to be paid.

(2) Provided that the Admiralty, if it appear to them that the amount named in such certificate is not justly due, or is in excess of the amount justly due, may direct a complaint to be made to a court of summary jurisdiction for the county, borough, or place for which the court giving the certificate acted, and the court after hearing the case may by order confirm the said certificate, or vary it in such manner as to the court seems just.

120.—(1) A constable shall observe the directions given to him for the due execution of this part of this Act by the police authority; and the police authority, or any member thereof, and every justice of the peace may, if it seem necessary, and in the absence of a constable shall, themselves or himself exercise the powers and perform the duties by this part of this Act vested in or imposed on a constable, and in such case every such person is in this part of this Act included in the expression "constable."

* * * * *

121. If any person—

(1) Forges or counterfeits any requisition of emergency, or knowingly produces to a justice or constable any requisition of emergency so forged or counterfeited; or

(2) Personates or represents himself to be an officer authorised to demand any carriage, animal, vessel or aircraft, food, forage or stores; or

(3) Produces to a justice or constable a requisition which he is not authorised to produce, or a document falsely purporting to be a requisition,

he shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or to a fine not less than twenty shillings and not more than five pounds.

PATENTS, DESIGNS, AND TRADE MARKS.(a)

THE PATENTS, DESIGNS, AND TRADE MARKS (TEMPORARY) RULES, 1914. DATED AUGUST 21, 1914.

1914. No. 1255.

By virtue of the provisions of the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914,(b) the Board of Trade hereby make the following Rules:—

1.(c) The Board of Trade may, on the application of any person, and subject to such terms and conditions, if any, as they may think fit, order the avoidance or suspension, in whole or in part, of any patent or licence granted to a subject of any State at war with His Majesty,(d) and the Board, before granting any such application, may require to be satisfied on the following heads:—

(*a*) That the patentee or licensee is the subject of a State at war with His Majesty;

(*b*) That the person applying intends to manufacture, or cause to be manufactured, the patented article, or to carry on, or cause to be carried on, the patented process;

(a) The Licence of September 23rd, 1914, granted by the Board of Trade under Article 8 of the Trading with the Enemy Proclamation No. 2, is printed at p. 381 below under the heading "TRADING WITH THE ENEMY."

(b) 4 & 5 Geo. 5, c. 27, printed at p. 12 above. That Act was retrospectively amended by the Patents, Designs and Trade Marks (Temporary Rules) Amendment Act, 1914 (4 & 5 Geo. 5, c. 73), printed at p. 30 above, and the substantive provisions of the Acts are printed in consolidated form in Appendix D at p. 439, below.

(c) As to procedure to be followed under Rule 1, *see* Notice of September 7th, printed at p. 235 below.

(d) As to grant of Board of Trade Licences in cases where this power is exercised in favour of persons other than the subjects of Enemy States, *see* the Patents and Designs (Temporary) Rules, 1914, printed at p. 236 below.

(*c*) That it is in the general interests of the country or of a section of the community, or of a trade, that such article should be manufactured or such process carried on as aforesaid.

The fee to be paid on any such application shall be that specified in the First Schedule to these Rules and the fee payable on depositing foreign documents or other papers for the purpose of a record not already provided for under the Patents and Designs Act, 1907,(**a**) and the Trade Marks Act, 1905,(**b**) shall be that specified in the First Schedule to these Rules.

An application under this section must be made on Patents Form No. 36 contained in the Second Schedule to these Rules, and shall be filed at the Patent Office.

The Board of Trade may at any time, in their absolute discretion, revoke any avoidance or suspension of any patent or licence ordered by them.

For the purpose of exercising in any case the powers of avoiding or suspending a patent or licence, the Board of Trade may appoint such person or persons as they shall think fit to hold an inquiry.

Any application to the Board for the avoidance or suspension of any patent or licence may be referred for hearing and inquiry to such person or persons who shall report thereon to the Board.

Provided always that the Board of Trade may at any time, if in their absolute discretion they deem it expedient in the public interest, order the avoidance or suspension in whole or in part of any such patent or licence upon such terms and conditions, if any, as they may think fit.

2.(**c**) The Comptroller may, at any time during the continuance of these Rules, avoid or suspend any proceedings on any application made under the Patents and Designs Act, 1907, and the Trade Marks Act, 1905, by a subject of any State at war with His Majesty.

3.(**c**) The Comptroller may also at any time during the continuance of these Rules extend the time prescribed by the Patents and Designs Act, 1907, or the Trade Marks Act, 1905, or any Rules made thereunder, for doing any act or filing any document, upon such terms and subject to such conditions as he may think fit in the following cases, namely:—

(*a*) Where it is shown to his satisfaction that the applicant, patentee, or proprietor, as the case may be, was prevented from doing the said act, or filing the said document, by reason of active service or enforced absence from this country, or any other circumstances arising from the present state of war, which, in the opinion of the Comptroller, would justify such extension:

(**a**) 7 Edw. 7, c. 29. (**b**) 5 Edw. 7, c. 15.

(**c**) As to the procedure under Rules 2 and 3, *see* Notice of August 21st, 1914, printed at p. 229, below.

(*b*) Where the doing of any act would, by reason of the circumstances arising from the present state of war, be prejudicial or injurious to the rights or interests of any applicant, patentee or proprietor as aforesaid.

4. The term "person" used in these Rules shall, in addition to the meaning given thereto by Section 19 of the Interpretation Act, 1889,(**a**) include any Government Department.

5. All things required or authorised to be done by to or before the Board of Trade may be done by to or before the President or a Secretary or an Assistant Secretary of the Board, or any person authorized in that behalf by the President of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a Secretary or an Assistant Secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the fact so certified.

6. These Rules shall come into operation as and from the Seventh day of August, 1914.

Dated the 21st day of August, 1914.

Walter Runciman,
President of the Board
of Trade.

First Schedule.

	£	s.	d.
Fee payable on application under Rule 1 to Board of Trade to avoid or suspend patent rights or licence	2	0	0
Fee payable on depositing Foreign Documents or other papers for the purpose of a record not already provided for under the Patents and Designs Act, 1907, and the Trade Marks Act, 1905	0	2	6

Dated the 21st day of August, 1914.

Walter Runciman,
President of the Board of Trade.

Approved :—
William Jones,
W. Wedgwood Benn,
Lords Commissioners of His Majesty's Treasury.

(**a**) 52 & 53 Vict., c. 63.

Second Schedule.

ATENT
£2.

Patents Form No. 36.

PATENTS, DESIGNS AND TRADE MARKS (TEMPORARY RULES) ACT, 1914.

Here in-
(in full)
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descrip-
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(*a*)I (or We) ______________________________
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Here insert
nber and
of Patent,
particulars
Licence as
case may

hereby request the Board of Trade to order the avoidance or suspension of the Letters Patent No. (*b*) __________ of __________ or the Licence granted to (*b*) __________ under Letters Patent No. (*b*) __________ of __________.

Dated this __________ day of __________

(Signed) __________

Dated the 21st day of August, 1914.

Walter Runciman,
President of the Board of Trade.

NOTICE, DATED AUGUST 21, 1914, AS TO PROCEDURE TO BE FOLLOWED UNDER RULES 2 AND 3 OF THE PATENTS, DESIGNS, AND TRADE MARKS (TEMPORARY) RULES, 1914, DATED AUGUST 21, 1914.(**a**)

Until further notice the following procedure will be adopted in dealing with all work in connexion with Patents, Designs, and Trade Marks:—

1. During the continuance of the war no Patent will be sealed and no registration of a Trade Mark or Design will be granted to subjects of any State at war with His Majesty (hereinafter called "such subjects").

The term "such subjects" will be taken to include (*a*) a firm which by reason of its constitution may be considered as managed or controlled by such subjects or the business whereof is wholly or mainly carried on on behalf of such subjects; (*b*) a Company which has received its constitution in an enemy's State; (*c*) a Company registered in His Majesty's Dominions the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly on behalf of such subjects.

2. As regards applications for Patents, Designs, or Trade Marks no distinction will in the first place be drawn between those made by such subjects and those made by other persons. All proceedings thereunder will be carried on as usual down to the time of acceptance, but in the case of applications by such subjects formal acceptance will not be issued.

(**a**) Printed at p. 227 above.

3. Applicants who fail to conform to the provisions of the Patents and Designs Act, 1907,(**a**) the Trade Marks Act, 1905,(**b**) and the Rules made thereunder will run the risk of losing their rights unless they are able to bring themselves under the provisions of Rule 3 of the above Rules. Applications under Rule 3 (*a*) should be made and will be considered at such time as the applicant, patentee, or proprietor of a Design or Trade Mark as the case may be, is in a position to do the said act or file the said document as aforesaid. Applications under Rule 3 (*b*) should be made before the date for the doing of any such act.

4. As regards Oppositions to the grant of Patents and the Registration of Trade Marks, arising after the commencement of the war (*a*) Oppositions by such subjects in cases where the grant or registration opposed is one to a British citizen or alien friend will not be entertained. (*b*) In the case where the grant or registration opposed is a grant or registration to any such subject the Notice of Opposition will be accepted, but all further proceedings will be suspended until the end of the war.

5. As regards inventions communicated by such subjects as aforesaid in respect of which Patents are applied for by persons in this country, these will be treated in the same manner as if made directly by the communicator.

Dated 21st day of August, 1914.

W. Temple Franks,
Comptroller-General.

THE TRADE MARKS (TEMPORARY) RULES, 1914. DATED AUGUST 21, 1914.

1914. No. 1256.

By virtue of the provisions of the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914,(**c**) the Board of Trade hereby make the following Rules:—

1.(**d**) The Board of Trade may, on the application of any person, and subject to such terms and conditions, if any, as they may think fit, order the avoidance or suspension, in whole or in part, of the registration of any Trade Mark the proprietor whereof is a subject

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(**a**) 7 Edw. 7, c. 29.

(**b**) 5 Edw. 7, c. 15.

(**c**) *i.e.*, the First Act 4 & 5 Geo. 5. c. 27, printed at p. 12 above, and the Amendment Act, 1914 (4 & 5 Geo. 5. c. 73), printed at p. 30 above, which retrospectively amended the First Act. The substantive provisions of the Acts are printed in consolidated form in Appendix D at the end of this Manual.

(**d**) As to procedure to be followed under Rule 1, *see* Notice of September 7th printed at p. 235 below.

of any State at war with His Majesty, and the Board, before granting any such application, may require to be satisfied on the following heads :—

(*a*) That the proprietor is the subject of a State at war with His Majesty ;

(*b*) That the person applying intends to manufacture, or cause to be manufactured, the goods or any of them in respect of which the Trade Mark is registered ;

(*c*) That it is in the general interests of the country or of a section of the community, or of a trade, that the registration of the Trade Mark should be so avoided or suspended.

The fee to be paid on any such application shall be that specified in the First Schedule to these Rules.

An application under this section must be made on Form T.M. No. 36 contained in the Second Schedule to these Rules, and shall be filed at the Patent Office.

The Board of Trade may at any time, in their absolute discretion, revoke any avoidance or suspension of any registration of a Trade Mark ordered by them.

For the purpose of exercising in any case the powers of avoiding or suspending the registration of a Trade Mark the Board of Trade may appoint such person or persons as they shall think fit to hold an enquiry.

Any application to the Board for the avoidance or suspension of any registration of a Trade Mark may be referred for hearing and inquiry to such person or persons who shall report thereon to the Board.

Provided always that the Board of Trade may at any time, if in their absolute discretion they deem it expedient in the public interest, order the avoidance or suspension in whole or in part of any such registration of a Trade Mark upon such terms and conditions, if any, as they may think fit.

2. The term "person" used in these Rules shall, in addition to the meaning given thereto by Section 19 of the Interpretation Act, 1889,(**a**) include any Government Department.

3. All things required or authorized to be done by to or before the Board of Trade may be done by to or before the President or a Secretary or an Assistant Secretary of the Board, or any person authorized in that behalf by the President of the Board.

All documents purporting to be Orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a Secretary or an Assistant Secretary of the Board or by any person authorized in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the fact so certified.

(**a**) 52 & 53 Vict. c. 63.

4. These Rules shall be called the Trade Marks (Temporary) Rules, 1914, and shall come into operation as and from the Seventh day of August, 1914.

Dated the 21st day of August, 1914.

Walter Runciman,
President of the Board of Trade.

First Schedule.

	£	*s.*	*d.*
Fee payable on application under Rule 1 to Board of Trade to avoid or suspend the registration of a Trade Mark	2	0	0

Dated the 21st day of August, 1914.

Walter Runciman,
President of the Board of Trade.

Approved :—

W. Wedgwood Benn,
William Jones,
Lords Commissioners of His Majesty's Treasury.

Second Schedule.

TRADE
MARK
£2.

Form T.M. No. 36.

PATENTS, DESIGNS, AND TRADE MARKS (TEMPORARY RULES) ACT, 1914.

(*a*) Here insert (in full) name, address, and description or calling of person or persons applying.

(*a*) I (or We)______________________________
____
____
____

(*b*) Here insert number and class in which the Trade Mark is registered.

hereby request the Board of Trade to order the avoidance or suspension of the registration of Trade Mark No. (*b*) ____________ registered in Class____________ for______________________.

Dated this____________day of____________________

(Signed)______________________

Dated the 21st day of August 1914.

Walter Runciman,
President of the Board of Trade

THE DESIGNS (TEMPORARY) RULES, 1914. DATED SEPTEMBER 5, 1914.

1914. No. 1327.

By virtue of the provisions of the Patents, Designs, and Trade Marks (Temporary Rules) Acts, 1914,(**a**) the Board of Trade hereby make the following Rules:—

1.(**b**) The Board of Trade may, on the application of any person, and subject to such terms and conditions, if any, as they may think fit, order the avoidance or suspension of the registration and all or any rights conferred by the registration of any Design the proprietor whereof is a subject of any State at war with His Majesty,(**c**) and the Board, before granting any such application, may require to be satisfied on the following heads:—

(*a*) That the proprietor is the subject of a State at war with His Majesty;

(*b*) That the person applying intends to manufacture, or cause to be manufactured, the goods or any of them in respect of which the Design is registered;

(*c*) That it is in the general interests of the country or of a section of the community, or of a trade, that the avoidance or suspension should be ordered.

The fee to be paid on any such application shall be that specified in the First Schedule to these Rules.

An application under this section must be made on Form Designs No. 36 contained in the Second Schedule to these Rules, and shall be filed at the Patent Office.

The Board of Trade may at any time, in their absolute discretion, revoke any avoidance or suspension ordered by them.

For the purpose of exercising in any case their powers of avoidance or suspension the Board of Trade may appoint such person or persons as they shall think fit to hold an inquiry.

Any application to the Board for any such avoidance or suspension may be referred for hearing and inquiry to such person or persons who shall report thereon to the Board.

Provided always that the Board of Trade may at any time, if in their absolute discretion they deem it expedient in the public interest, order the avoidance or suspension of any such registration and all or any rights conferred by the registration of a Design upon such terms and conditions, if any, as they may think fit.

(**a**) *i.e.*, the First Act 4 & 5 Geo. 5 c. 27 printed at p. 12 above, and the Amendment Act, 1914 (4 & 5 Geo. 5 c. 73), printed at p. 30 above, which retrospectively amended the First Act. The substantive provisions of the Acts are printed in consolidated form in Appendix D at the end of this Manual.

(**b**) As to the procedure to be followed under Rule 1, see Notice of September 7th, printed at p. 235 below.

(**c**) As to grant of Board of Trade Licences in cases where this power is exercised in favour of persons other than subjects of Enemy States, see the Patents and Designs (Temporary Rules) 1914, printed at p. 236 below.

2. The term "person" used in these Rules shall, in addition to the meaning given thereto by Section 19 of the Interpretation Act, 1889,(**a**) include any Government Department.

3. All things required or authorised to be done by to or before the Board of Trade may be done by to or before the President or a Secretary or an Assistant Secretary of the Board, or any person authorized in that behalf by the President of the Board.

All documents purporting to be Orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a Secretary or an Assistant Secretary of the Board or by any person authorized in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the fact so certified.

4. These Rules shall be called the Designs (Temporary) Rules, 1914, and shall come into operation as and from the 5th day of September, 1914.

Dated the 5th day of September, 1914.

Walter Runciman,
President of the Board of Trade.

First Schedule.

	£	s.	d.
Fee payable on application under Rule 1 to Board of Trade to avoid or suspend the registration of a Design	2	0	0

Dated the 5th day of September, 1914.

Walter Runciman,
President of the Board of Trade.

Approved:—

Wedgwood Benn,
William Jones,
Lords Commissioners of His Majesty's Treasury.

(**a**) 52 & 53 Vict. c. 63.

Second Schedule.

SIGNS
£2.

Form Designs No. 36.

PATENTS, DESIGNS AND TRADE MARKS (TEMPORARY RULES) ACTS, 1914.

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applying.

(*a*) I (or We) ____________

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hereby request the Board of Trade to order the avoidance or suspension of the registration of Design No. (*b*) __________ registered in Class ______ for ______________.

ere insert
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Dated this ______________ day of ______________

(Signed) ______________

Dated the 5th day of September, 1914.

Walter Runciman,
President of the Board of Trade.

NOTICE DATED SEPTEMBER 7, 1914, AS TO PROCEDURE TO BE FOLLOWED UNDER RULE 1 OF THE PATENTS, DESIGNS, AND TRADE MARKS (TEMPORARY) RULES,(**a**) THE TRADE MARKS (TEMPORARY) RULES,(**b**) AND THE DESIGNS (TEMPORARY) RULES, 1914.(**c**)

ALIEN ENEMIES.

(1.) A copy of the application when received will be at once sent to the address for service in the United Kingdom given by the patentee, licensee, or proprietor of the design or trade mark, as the case may be, or to anyone whose name appears upon the Register as having an interest in the patent, design or trade mark.

(2.) The date for hearing the application will be fixed on receipt of the application and will be notified to the applicant and to the patentee, proprietor, or other person interested, at his address for service in the United Kingdom. The application and the date of the hearing will also be advertised in the Illustrated Official Journal (Patents) or Trade Marks Journal. The date fixed for the hearing will be not less than seven days after the advertisement of the application in the Journal.

(**a**) Printed at p. 226, above. (**b**) Printed at p. 230, above.
(**c**) Printed at p. 233, above.

(3.) The applicant must produce evidence at the hearing to satisfy the Tribunal in respect of (*a*), (*b*) and (*c*) of Rule 1, and that he is not himself an alien enemy. The evidence may be either oral or by way of statutory declaration. The patentee or proprietor of the design or trade mark or anyone interested may appear at the hearing in opposition to the application, provided that notice of his intention so to appear be given in writing to the Comptroller at the Patent Office before the date of the hearing.

Dated 7th September, 1914.

W. Temple Franks,
Comptroller-General.

THE PATENTS AND DESIGNS (TEMPORARY) RULES, 1914. DATED SEPTEMBER 7, 1914.

1914. No. 1328.

By virtue of the provisions of the Patents, Designs and Trade Marks (Temporary) Rules Acts, 1914,(**a**) the Board of Trade do hereby make the following Rules:—

1. In any case in which the Board of Trade make an Order by virtue of the powers vested in them under the provisions of the Patents, Designs and Trade Marks (Temporary) Rules Acts, 1914,(**a**) and under any Rules made under these Acts or either of them, avoiding or suspending in whole or in part a Patent, or avoiding or suspending the registration and all or any rights conferred by the registration of any Design the Board may in their discretion grant in favour of persons other than the subject of any State at war with His Majesty, licences to make, use, exercise, or vend the patented invention or registered design so avoided or suspended upon such terms and conditions, and either for the whole term of the patent or registration of the design, or for such less period as the Board of Trade may think fit.

2. These Rules shall be read and construed as one with the Patents, Designs and Trade Marks (Temporary) Rules, 1914,(**b**) dated 21st August, 1914, and the Designs Rules, 1914,(**c**) dated 5th September, 1914.

Dated this 7th day of September, 1914.

Walter Runciman,
President of the Board of Trade.

(**a**) *i.e.*, the First Act 4 & 5 Geo. 5, c. 27, printed at p 12 above, and the Amendment Act (4 & 5 Geo. 5, c. 73), printed at p. 30 above, which retrospectively amended the first Act. The substantive provisions of the Acts are printed in consolidated form in Appendix D at the end of this Manual.

(**b**) Printed at p. 226, above.

(**c**) Printed at p. 233, above.

POLICE (SCOTLAND) (LIMIT OF AGE).

ORDER BY THE SECRETARY FOR SCOTLAND, DATED SEPTEMBER 3, 1914, UNDER THE POLICE (SCOTLAND) (LIMIT OF AGE) ACT, 1914 (4 & 5 GEO. 5, c. 69) PRESCRIBING THE LIMIT OF AGE OF PERSONS APPOINTED DURING THE CONTINUANCE OF THE PRESENT WAR FOR TEMPORARY SERVICE IN ANY POLICE FORCE IN SCOTLAND.(**a**)

1914. No. $\frac{1326}{\text{S. 87}}$.

Whereas by the Police (Scotland) (Limit of Age) Act, 1914 (4 & 5 Geo. 5, c. 69) (**b**) it is enacted that notwithstanding anything contained in the Police (Scotland) Act, 1890,(**c**) or any other Act, the limit of age of persons transferred or appointed to any police force in Scotland during the continuance of the present war shall be such as may from time to time be prescribed or approved by the Secretary for Scotland.

And whereas by Section 25 of sub-section (1) of the Police (Scotland) Act, 1890, it is amongst other things enacted that a person shall not be appointed to any police force unless—(except as thereinafter mentioned)—he is under the age of 25 years.

Now therefore I the undersigned His Majesty's Secretary for Scotland do hereby prescribe that the foresaid limit of age of twenty-five years shall not apply in the case of persons appointed during the continuance of the present war for temporary service in any police force in Scotland: provided that such persons shall not (except in the case of police pensioners) be so appointed unless they are under the age of 45 years.

Given under my hand and seal of office at Whitehall, this third day of September, 1914.

(L.S.) *T. McKinnon Wood,*
His Majesty's Secretary for Scotland.

(**a**) This Order was published in the "Edinburgh Gazette" of September 8th, 1914.

(**b**) Printed at p. 27 above.

(**c**) 53 & 54 Vict. c. 67.

POSTPONEMENT OF PAYMENTS.(a)

PROCLAMATION, DATED AUGUST 2, 1914, POSTPONING THE PAYMENT OF CERTAIN BILLS OF EXCHANGE.(b) (c)

THE BILLS (RE-ACCEPTANCE) PROCLAMATION.(d)

1914. No. 1164.

BY THE KING.

A Proclamation for Postponing the Payment of certain Bills of Exchange.

George R.I.

Whereas in view of the critical situation in Europe and the financial difficulties caused thereby it is expedient that the payment of certain bills of exchange should be postponed as appears in this Proclamation:

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby proclaim, direct, and ordain as follows:—

If on the presentation for payment of a bill of exchange, other than a cheque or bill on demand, which has been accepted before the beginning of the fourth day of August nineteen hundred and fourteen the acceptor re-accepts the bill by a declaration on the face of the bill in the form set out hereunder, that bill shall, for all purposes, including the liability of any drawer or indorser or any other party thereto, be deemed to be due and be payable

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(**a**) *See* also the documents printed under the heading "BILLS OF EXCHANGE (ASSISTANCE IN REGARD TO)" at pp. 101–106 above. Postponement of certain payments was also effected by the appointment by Proclamations (printed at pp. 99, 100 above, under the heading "BANK HOLIDAYS") of three successive special bank holidays. County Court Rules made September 10th, 1914, and having effect during the currency of any Proclamation under the Postponement of Payments Act, are printed at p. 112 above, under the heading "COUNTY COURT RULES AND FEES," and the Orders and Rules under the Courts Emergency Powers Act are printed at pp. 115–136, under the heading "COURTS (EMERGENCY POWERS)."

(**b**) This Proclamation which was specifically confirmed by s. 1 (4) of the Postponement of Payments Act, 1914 (4 & 5 Geo. 5, c. 11) printed at p. 5 above, was extended by Proclamation of August 6th, printed at p 239, below, and by Proclamation of August 12th, printed at p. 241, below, and varied by Proclamation of September 3rd, printed at p. 244, below, and by Proclamation of September 30th, printed at p. 246, below.

The Proclamation of August 2nd was also varied by Proclamation of September 1st (printed at p. 242 below), but this last named Proclamation was revoked by the Proclamation of September 3rd.

(**c**) This Proclamation was published in the "London Gazette" of August 2nd, 1914, being the 2nd Supplement to the Gazette of July 31st; in the "Edinborough Gazette" of August, 4th, 1914; and in the "Dublin Gazette" of August 3rd, 1914, being the 2nd Supplement to the Gazette of July 31st.

(**d**) This Proclamation is thus referred to in the Proclamation of September 30th, printed at p. 246, below.

on a date one calendar month after the date of its original maturity instead of on the date of its original maturity, and to be a bill for the original amount thereof increased by the amount of interest thereon calculated from the date of re-acceptance to the new date of payment at the Bank of England rate current on the date of the re-acceptance of the bill.

Form of Re-acceptance.

Re-accepted under Proclamation for £ (*insert increased sum*).

Signature————————

Date————————

Given at Our Court at Buckingham Palace, this Second day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

PROCLAMATION, DATED AUGUST 6, 1914, UNDER THE POSTPONEMENT OF PAYMENTS ACT, 1914 (4 & 5 GEO. 5, C. 11), EXTENDING THE PROCLAMATION OF AUGUST 2, 1914.(**a**) (**b**)

THE FIRST GENERAL PROCLAMATION.(**c**)

1914. No. 1165.

BY THE KING.

A Proclamation for extending the Postponement of Payments allowed to be made by the Proclamation of the 2nd August, 1914,(**d**) to certain other Payments.

George R.I.

Whereas under the Postponement of Payments Act, 1914, His Majesty has power by Proclamation to authorize the postponement of the payment of any bill of exchange or of any negotiable instrument or of any other payment in pursuance of any contract to such extent for such time and subject to such conditions or other provisions as may be specified in the Proclamation :

(**a**) This Proclamation was extended by Proclamation of August 12th, printed at p. 241 below, and varied by Proclamation of September 3rd, printed at p. 244 below, and by Proclamation of September 30th, printed at p. 246 below.

The Proclamation of August 6th was also varied by Proclamation of September 1st (printed at p. 242 below), but this last Proclamation was revoked by the Proclamation of September 3rd.

(**b**) This Proclamation was published in the "London Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th ; in the "Edinburgh Gazette" of August 8th, 1914, being the 1st Supplement to the Gazette of August 7th ; and in the "Dublin Gazette" of August 8th, 1914, being the 1st Supplement to the Gazette of August 7th.

(**c**) This Proclamation is thus referred to in the Proclamation of September 30th, printed at p. 246 below.

(**d**) Printed at p. 238 above.

And whereas it is expedient that provision should be made for the purpose of such postponement of payment in addition to the provision already made by Our Proclamation, dated the second day of August, nineteen hundred and fourteen,(**a**) relating to the postponement of payment of certain bills of exchange:

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby proclaim, direct, and ordain as follows:—

Save as hereinafter provided, all payments which have become due and payable before the date of this Proclamation or which will become due and payable on any day before the beginning of the fourth day of September nineteen hundred and fourteen in respect of any bill of exchange (being a cheque or bill on demand) which was drawn before the beginning of the fourth day of August, nineteen hundred and fourteen, or in respect of any negotiable instrument (not being a bill of exchange) dated before that time, or in respect of any contract made before that time, shall be deemed to be due and payable on a day one calendar month after the day on which the payment originally became due and payable, or on the fourth day of September, nineteen hundred and fourteen, whichever is the later date, instead of on the day on which the payment originally became due; but payments so postponed shall, if not otherwise carrying interest, and if specific demand is made for payment and payment is refused, carry interest until payment as from the fourth day of August, nineteen hundred and fourteen, if they become due and payable before that day, and as from the date on which they become due and payable if they become due and payable on or after that day, at the Bank of England rate current on the seventh day of August, nineteen hundred and fourteen; but nothing in this Proclamation shall prevent payments being made before the expiration of the month for which they are so postponed.

This Proclamation shall not apply to—

(1) Any payment in respect of wages or salary.

(2) Any payment in respect of a liability which when incurred did not exceed five pounds in amount.

(3) Any payment in respect of rates or taxes.

(4) Any payment in respect of maritime freight.

(5) Any payment in respect of any debt from any person resident outside the British Islands, or from any firm, company or institution whose principal place of business is outside the British Islands, not being a debt incurred in the British Islands by a person, firm, company, or institution, having a business establishment or branch business establishment in the British Islands.

(6) Any payment in respect of any dividend or interest payable in respect of any stocks, funds, or securities (other than real or heritable securities) in which trustees are, under section one of the Trustee Act, 1893,(**b**) or any other Act for the time being in force, authorized to invest.

(**a**) Printed at p. 238 above.

(**b**) 56 & 57 Vict. c. 53.

(7) Any liability of a bank of issue in respect of bank notes issued by that bank.

(8) Any payment to be made by or on behalf of His Majesty or any Government Department, including the payment of old age pensions.

(9) Any payment to be made by any person or society in pursuance of the National Insurance Act, 1911,(**a**) or any Act amending that Act (whether in the nature of contributions, benefits, or otherwise).

(10) Any payment under the Workmen's Compensation Act, 1906,(**b**) or any Act amending the same.

(11) Any payment in respect of the withdrawal of a deposit by a depositor in a trustee savings bank.

Nothing in this Proclamation shall affect any bills of exchange to which Our Proclamation dated the second day of August, nineteen hundred and fourteen, relating to the postponement of payment of certain bills of exchange applies.

Given at Our Court at Buckingham Palace, this sixth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God Save the King.

PROCLAMATION, DATED AUGUST 12, 1914, UNDER THE POSTPONEMENT OF PAYMENTS ACT, 1914 (4 & 5 GEO. 5, C. 11), EXTENDING THE PROCLAMATION OF AUGUST 6, 1914. (**c**) (**d**)

THE SECOND GENERAL PROCLAMATION. (**e**)

1914. No. 1230.

BY THE KING.

A Proclamation for Postponement of Payments.

George, R.I.

Whereas it is expedient to extend Our Proclamation, dated the sixth day of August,(**f**) nineteen hundred and fourteen (relating to the postponement of payments), so as to cover bills of exchange under certain circumstances, and also payments in respect of any debt from any bank whose principal place of business is in any part of His Majesty's Dominions or any British Protectorate :

(**a**) 1 & 2 Geo. 5. c. 55. (**b**) 6 Edw. 7. c. 58.

(**c**) This Proclamation was varied by Proclamation of September 3rd, printed at p. 244 below, and by Proclamation of September 30th, printed at p. 246 below. The Proclamation of August 12th was also varied by Proclamation of September 1st (printed at p 242 below), but this last Proclamation was revoked by the Proclamation of September 3rd.

(**d**) This Proclamation was published in the "London Gazette" of August 13th, 1914, being the 1st Supplement to the Gazette of August 11th ; in the "Edinburgh Gazette" of August 14th, 1914 ; and in the "Dublin Gazette" of August 14th, 1914.

(**e**) This Proclamation is thus referred to in the Proclamation of September 30th, printed at p. 246 below.

(**f**) Printed at p. 239 above.

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby proclaim, direct, and ordain as follows:

Notwithstanding anything contained in the said Proclamation dated the sixth day of August, nineteen hundred and fourteen (relating to the postponement of payments), that Proclamation shall apply, and shall be deemed always to have applied—

(*a*) To any bill of exchange which has not been re-accepted under Our Proclamation, dated the second day of August, (**a**) nineteen hundred and fourteen, as it applies to a bill of exchange, being a cheque or bill on demand, unless on the presentation of the bill the acceptor has expressly refused re-acceptance thereof, but with the substitution, as respects rate of interest, of the date of the presentation of the bill for the seventh day of August, nineteen hundred and fourteen; and

(*b*) also to payments in respect of any debt from any bank whose principal place of business is in any part of His Majesty's Dominions or any British Protectorate, although the debt was not incurred in the British Islands and the bank had not a business establishment or branch business establishment in the British Islands.

Given at Our Court at Buckingham Palace, this Twelfth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God Save the King.

PROCLAMATION, DATED SEPTEMBER 1, 1914, UNDER THE POSTPONEMENT OF PAYMENTS ACT, 1914 (4 & 5 GEO. 5, C. 11), VARYING THE PROCLAMATIONS OF AUGUST 2ND, 6TH, AND 12TH, 1914 (**b**), (**c**).

1914. No. 1306.

BY THE KING.

A Proclamation varying the Proclamations in respect of the Postponement of Payments dated respectively the second day of August,(**d**) *the sixth day of August,*(**e**) *and the twelfth day of August,*(**f**) *nineteen hundred and fourteen.*

George R.I.

Whereas under the Postponement of Payments Act, 1914,(**g**) *We have power, by Proclamation, to authorize the postponement of*

(**a**) Printed at p. 238, above.

(**b**) This Proclamation was revoked by Proclamation of September 3rd, 1914, printed at p. 244, below.

(**c**) This Proclamation was published in the "London Gazette" of September 1st, 1914, being the 1st Supplement to the Gazette of September 1st; in the "Edinburgh Gazette" of September 3rd, 1914, being a Supplement to the Gazette of September 1st; and in the "Dublin Gazette" of September 2nd, 1914, being a Supplement to the Gazette of September 1st.

(**d**) Printed at p. 238, above.

(**e**) Printed at p. 239, above.

(**f**) Printed at p. 241, above.

(**g**) Printed at p. 5, above.

the payment of any bill of exchange, or of any negotiable instrument, or any other payment in pursuance of any contract, to such extent, and for such time, and subject to such conditions or other provisions as may be specified in the Proclamation:

And whereas, in pursuance of that power, We have issued Proclamations in relation to the postponement of payments due before We were in a state of war or due in respect of contracts made before that time, dated the sixth day of August,(**a**) *and the twelfth day of August,*(**b**) *nineteen hundred and fourteen; and on the second day of August,*(**c**) *nineteen hundred and fourteen, We also issued a Proclamation which is confirmed by the said Postponement of Payments Act, 1914, and is deemed to have been issued under that Act:*

And whereas, under the said Act, We have power to vary, extend or revoke any Proclamation under that Act by a subsequent Proclamation:

And whereas it is desirable in the best interests of Our Realm at the present juncture that all persons who can discharge their liabilities should do so without delay, but it is at the same time for certain purposes expedient that Our said Proclamations should be varied as hereinafter appears:

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby proclaim, direct, and ordain as follows:—

1. Our said Proclamation, dated the second day of August, nineteen hundred and fourteen, shall have effect as if the period of two calendar months were substituted therein for the period of one calendar month; and the sum mentioned in any form of re-acceptance thereunder shall be deemed to be varied accordingly without the necessity of further re-acceptance.

2. Our said Proclamation, dated the sixth day of August, nineteen hundred and fourteen, as extended by Our said Proclamation, dated the twelfth day of August, nineteen hundred and fourteen, shall have effect as if the fourth day of October were substituted therein for the fourth day of September therein wherever that date occurs, and as if two calendar months were substituted therein for one calendar month.

3. Nothing in this Proclamation shall affect the payment of interest under the Proclamations extended thereby, or prevent payments being made before the expiration of the period for which they are postponed.

Given at Our Court at Buckingham Palace, this First day of September, in the year of our Lord, One thousand nine hundred and fourteen, and in the Fifth Year of Our Reign.

God save the King.

(**a**) Printed at p. 239 above. (**b**) Printed at p. 241 above.
(**c**) Printed at p. 238 above.

PROCLAMATION, DATED SEPTEMBER 3, 1914, UNDER THE POSTPONEMENT OF PAYMENTS ACT, 1914 (4 & 5 GEO. 5, C. 11), VARYING THE PROCLAMATIONS OF AUGUST 2ND, 6TH, AND 12TH, AND REVOKING PROCLAMATION OF SEPTEMBER 1ST, 1914.(**a**) (**b**)

THE THIRD GENERAL PROCLAMATION.(**c**)

1914. No. 1324.

BY THE KING.

A Proclamation varying the Proclamations in respect of the Postponement of Payments, dated respectively the second day of August,(**d**) the sixth day of August,(**e**) and the twelfth day of August,(**f**) and revoking the Proclamation, dated the first day of September,(**g**) nineteen hundred and fourteen.

George R.I.

Whereas under the Postponement of Payments Act, 1914,(**h**) We have power, by Proclamation, to authorize the postponement of the payment of any bill of exchange, or of any negotiable instrument, or any other payment in pursuance of any contract, to such extent, and for such time, and subject to such conditions or other provisions as may be specified in the Proclamation:

And whereas, in pursuance of that power, We have issued Proclamations in relation to the postponement of payments due before We were in a state of war or due in respect of contracts made before that time, dated the sixth day of August, and the twelfth day of August, nineteen hundred and fourteen; and on the second day of August, nineteen hundred and fourteen, We also issued a Proclamation which is confirmed by the said Postponement of Payments Act, 1914, and is deemed to have been issued under that Act:

And whereas, under the said Act, We have power to vary, extend or revoke any Proclamation under that Act by a subsequent Proclamation:

And whereas it is desirable in the best interests of Our Realm at the present juncture that all persons who can discharge their

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(**a**) As to this Proclamation which was varied by Proclamation of September 30th, printed at p. 246 below, *see* statement appearing in the Press, September 5th and printed at p. 104 above.

(**b**) This Proclamation was published in the "London Gazette" of September 3rd, 1914, being the 5th Supplement to the Gazette of September 1st; in the "Edinburgh Gazette" of September 4th, 1914; and in the "Dublin Gazette" of September 5th, 1914, being a Supplement to the Gazette of September 4th.

(**c**) This Proclamation is thus referred to in the Proclamation of September 30th, printed at p. 246, below.

(**d**) Printed at p. 238, above.

(**e**) Printed at p. 239, above.

(**f**) Printed at p. 241, above.

(**g**) Printed at p. 242, above.

(**h**) Printed at p. 5, above.

liabilities should do so without delay, but it is at the same time for certain purposes expedient that Our said Proclamations should be varied, and for that purpose We issued a Proclamation, dated the 1st day of September, nineteen hundred and fourteen:

And whereas it is expedient to revoke the last-mentioned Proclamation and to substitute therefor such variations of Our other Proclamations as are hereinafter set forth:

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby proclaim, direct, and ordain as follows:—

1. If on the presentation for payment of a bill of exchange which has before the fourth day of September, nineteen hundred and fourteen, been re-accepted under the terms of Our said Proclamation, dated the second day of August, nineteen hundred and fourteen, the bill is not paid, then, the said Proclamation shall, in its application to that bill, have effect as if the period of two calendar months had been in the Proclamation substituted for the period of one calendar month, and the sum mentioned in the form of re-acceptance under the said Proclamation shall be deemed to be increased by the amount of interest on the original amount of the Bill for one calendar month calculated at the Bank of England rate current on the date when the bill is so presented for payment as aforesaid.

2. Our said Proclamation, dated the sixth day of August, nineteen hundred and fourteen, as extended by Our said Proclamation, dated the twelfth day of August, nineteen hundred and fourteen, shall apply to payments which become due and payable on or after the fourth day of September and before the fourth day of October, nineteen hundred and fourteen (whether they become so due and payable by virtue of the said Proclamations or otherwise) in like manner as it applies to payments which became due and payable after the date of the said first-mentioned Proclamation and before the beginning of the fourth day of September, nineteen hundred and fourteen.

3. Nothing in this Proclamation shall affect the payment of interest under the Proclamations extended thereby, or prevent payments being made before the expiration of the period for which they are postponed.

4. Our said Proclamation, dated the first day of September, nineteen hundred and fourteen, is hereby revoked.

Given at Our Court at Buckingham Palace, this Third day of September, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

PROCLAMATION, DATED SEPTEMBER 30, 1914, UNDER THE POSTPONEMENT OF PAYMENTS ACT, 1914 (4 & 5 GEO. 5, c. 11), VARYING THE PROCLAMATIONS OF AUGUST 2ND, 6TH, AND 12TH AND SEPTEMBER 3RD, 1914.(a)

1914. No. 1446.

BY THE KING.

A Proclamation varying the Proclamations in respect of the Postponement of Payments, dated respectively the 2nd August,(b) 6th August,(c) 12th August,(d) and 3rd September,(e) 1914.

George R.I.

Whereas under the Postponement of Payments Act, 1914,(f) We have power by Proclamation to authorise the postponement of the payment of any bill of exchange or of any negotiable instrument or any other payment in pursuance of any contract to such extent and for such time and subject to such conditions or other provisions as may be specified in the Proclamation:

And whereas in pursuance of that power We have issued Proclamations in relation to the postponement of payments due before We were in a state of war or due in respect of contracts made before that time, dated the sixth day of August,(c) the 12th day of August,(d) and the third day of September(e) nineteen hundred and fourteen (which are respectively referred to in this Proclamation as the first, second, and third General Proclamation), and on the second day of August nineteen hundred and fourteen We also issued a Proclamation which is confirmed by the said Postponement of Payments Acts, 1914, and is deemed to have been issued under that Act and is referred to in this Proclamation as the Bills (Re-acceptance) Proclamation: (b)

And whereas under the Postponement of Payments Act, 1914, We have power to vary extend or revoke any Proclamation under that Act by a subsequent Proclamation:

And whereas it is desirable in the best interests of Our Realm at the present juncture that all persons who can discharge their liabilities should do so without delay, but it is at the same time expedient for the benefit of persons who cannot so discharge their liabilities that a further limited and final extension of the postponement of payments authorised by the said Proclamations should be made:

(a) This Proclamation was published in the "London Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th; in the "Edinburgh Gazette" of Septembar 30th, 1914, being a Supplement to the Gazette of September 29th; and in the "Dublin Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th. *See also* Notice issued by the Bank of England on the night of October 1st, and appearing in the next day's Press, printed at p. 105 above.

(b) Printed at p. 238 above.

(c) Printed at p. 239 above.

(d) Printed at p. 241 above.

(e) Printed at p. 244 above

(f) Printed at p. 5 above.

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby proclaim direct and ordain as follows:—

1. The first General Proclamation as extended by paragraph (*b*) of the second General Proclamation shall, subject to the limitations of this Proclamation, apply to payments which become due and payable on or after the fourth day of October and before the fourth day of November nineteen hundred and fourteen (whether they so become due and payable by virtue of the said Proclamations or the third General Proclamation or otherwise) in like manner as it applies to payments which became due and payable after the date of the first General Proclamation and before the beginning of the fourth day of September nineteen hundred and fourteen.

Provided that, if the payment is one the date whereof has been postponed by virtue of any of the said General Proclamations, and is one which carries interest either by virtue of the terms of the contract or instrumeent under which it is due and payable or by virtue of the said General Proclamations, then the person from whom the payment is due shall not be entitled to claim the benefit of this Article unless, within three days after the date to which the payment has been postponed by virtue of the said General Proclamations, all interest thereon up to that date is paid.

This Article shall not apply to—

(*a*.) Any payment in respect of rent:

(*b*.) Any payment due and payable to or by a retail trader in respect of his business as such trader.

2. The Bills (Re-acceptance) Proclamation shall continue to apply to bills of exchange (other than cheques and bills on demand) accepted before the beginning of the fourth day of August nineteen hundred and fourteen, the date of the original maturity whereof is after the third day of October.

If on the presentation for payment of any such bill the bill is not paid and is not re-accepted under the said Proclamation, then, unless on such presentation the acceptor has expressly refused re-acceptance thereof, the bill shall for all purposes, including the liability of any drawer and indorser or any other party thereto, be deemed to be due and payable on a date one calendar month after the date of its original maturity instead of on the date of its original maturity, and to be a bill for the original amount thereof increased by the amount of interest thereon, calculated from the date of the original maturity to the date of payment at the Bank of England rate current on the date of its original maturity, and paragraph (*a*) of the second General Proclamation shall not apply to any such bill.

3. If on the presentation for payment of a bill of exchange, the date of maturity of which has before the fourth day of October nineteen hundred and fourteen become postponed either by virtue of the Bills (Re-acceptance) Proclamation or paragraph

(*a*) of the second General Proclamation (whether or not the date of maturity has been further postponed by virtue of the third General Proclamation), the bill is not paid, then the date of maturity shall be deemed to be further postponed for fourteen days from the date of such presentation for payment, and the original amount of the bill shall be deemed to be further increased by the amount of interest on the original amount of the bill for fourteen days, calculated at the Bank of England rate current on the date of such presentation for payment.

4. Save as otherwise expressly provided, nothing in this Proclamation shall effect the application of the General Proclamations to payments to which those Proclamations apply, and nothing in this Proclamation shall prevent payments to which this Proclamation applies being made before the expiration of the period for which they are postponed thereunder.

Given at Our Court at Buckingham Palace, this Thirtieth day of September, in the year of Our Lord one Thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

PRIZE COURTS.

1. Jurisdiction.(a)

ORDER IN COUNCIL AUTHORISING THE COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH ADMIRAL TO REQUIRE THE CONSTITUTION OF A PRIZE COURT.(b)

GERMAN EMPIRE.

1914. No. 1262.

At the Court at Buckingham Palace, the 5th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas a state of war exists between this Country and the German Empire,(c) so that his Majesty's fleets and ships may lawfully seize all ships, vessels, and goods belonging to the

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(a) As to constitution of prize courts in the Oversea Dominions *see* Notification of October 8th, by Colonial Office, printed in the Supplement at end of this Manual.

(b) This Order in Council was published in the "London Gazette" of August 7th, 1914; in the "Edinburgh Gazette" of August 11th; and in the "Dublin Gazette" of August 11th, 1914.

(c) *See* Notification of a State of War with the German Empire, printed at p. 1 above.

German Empire, or the citizens and subjects thereof, or other persons inhabiting within any of the countries, territories, or dominions of the said German Empire, and bring the same to judgment in such Courts of Admiralty within His Majesty's dominions, possessions, or Colonies as shall be duly commissionated to take cognizance thereof.

His Majesty is therefore pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that a Commission in the form of the draft annexed hereto shall issue under the Great Seal of the United Kingdom authorizing the Commissioners for executing the Office of Lord High Admiral to will and require His Majesty's High Court of Justice and the Judges thereof to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships, vessels, and goods that are or shall be taken, and to hear and determine the same; and according to the course of Admiralty and the Law of Nations, and the Statutes, Rules, and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels, and goods as shall belong to the German Empire, or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of the said German Empire.

Almeric Fitzroy.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to Our right trusty and well-beloved Right Honourable Winston Leonard Spencer-Churchill, M.P., Admiral H.S.H. Prince Louis Alexander of Battenberg, G.C.B., G.C.V.O., K.C.M.G., A.D.C., Vice-Admiral Sir Frederick Tower Hamilton, K.C.B., C.V.O., Rear-Admiral Archibald Gordon Henry Wilson Moore, C.V.O., C.B., Captain Cecil Foley Lambert, R.N., the Right Honourable George Lambert, M.P., and the Right Honourable Sir Francis John Stephens Hopwood, G.C.M.G., K.C.B., Our Commissioners for executing the Office of Lord High Admiral of Our United Kingdom of Great Britain and Ireland and the Dominions thereunto belonging, and to Our Commissioners for executing that Office for the time being, Greeting:

Whereas a state of war exists between this Country and the German Empire, so that Our fleets and ships may lawfully seize all ships, vessels, and goods belonging to the German Empire or the citizens and subjects thereof or other persons inhabiting within any of the countries, territories, or dominions of the said German Empire and bring the same to judgment in such Courts of Admiralty within Our dominions, possessions, or Colonies as shall be duly commissionated to take cognizance thereof.

These are therefore to authorize, and We do hereby authorize and enjoin you, Our said Commissioners, now and for the time being, or any two or more of you, to will and require Our High Court of Justice and the Judges thereof, and the said High Court and the Judges thereof are hereby authorized and required to take cognizance of and judicially to proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships, vessels, and goods already seized and taken, and which hereafter shall be seized and taken, and to hear and determine the same, and according to the course of Admiralty and the Law of Nations, and the Statutes, Rules, and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels, and goods as shall belong to the German Empire or to the citizens or subjects thereof or to any other persons inhabiting within any of the countries, territories, or dominions of the said German Empire.

In witness whereof We have caused the Great Seal of the United Kingdom to be put and affixed to these presents.

Given at Our Court at Buckingham Palace, this Sixth day of August, in the year of our Lord, One thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

(L.S.)

ORDER IN COUNCIL AUTHORISING THE COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH ADMIRAL TO REQUIRE THE CONSTITUTION OF A PRIZE COURT.(a)

1914. No. 1263.

AUSTRIA-HUNGARY.

At the Court at Buckingham Palace, the 20th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas on the fourth day of August one thousand nine hundred and fourteen, a state of war came into existence between this Country and the German Empire.(b)

And whereas by His Majesty's Order in Council of the fifth day of August One thousand nine hundred and fourteen,(c) the issue of a Commission was ordered authorizing the Commissioners for executing the Office of Lord High Admiral to require His Majesty's High Court of Justice to take cognizance of prize matters arising out of the said war.

(a) This Order in Council was published in the "London Gazette" of August 20th, 1914, being a Supplement to the Gazette of August 18th; in the "Edinburgh Gazette" of August 21st, 1914; and in the "Dublin Gazette" of August 21st.

(b) *See* Notification of a State of War with the German Empire, printed at p. 1 above.

(c) Printed at p. 248 above.

And whereas a state of war now also exists between this Country and the Dual Monarchy of Austria-Hungary(**a**), so that His Majesty's fleets and ships may lawfully seize all ships, vessels, and goods belonging to the said Dual Monarchy, or the citizens and subjects thereof, or other persons inhabiting within any of the countries, territories, or dominions of the said Dual Monarchy, and bring the same to judgment in such Courts of Admiralty within His Majesty's Dominions, Possessions or Colonies, as shall be duly commissionated to take cognizance thereof.

His Majesty is therefore pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that a Commission in the form of the draft annexed hereto, shall issue under the Great Seal of the United Kingdom, authorizing the said Commissioners for executing the Office of Lord High Admiral to will and require His Majesty's High Court of Justice and the Judges thereof to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships, vessels, and goods that are or shall be taken, and to hear and determine the same; and according to the course of Admiralty and the Law of Nations, and the Statutes, Rules, and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels, and goods as shall belong to the Dual Monarchy of Austria-Hungary, or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of the said Dual Monarchy as well as the ships, vessels, and goods belonging to the German Empire, or to the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of the said German Empire.

Almeric FitzRoy.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to Our right trusty and well-beloved Right Honourable Winston Leonard Spencer-Churchill, M.P., Admiral H.S.H. Prince Louis Alexander of Battenberg, G.C.B., G.C.V.O., K.C.M.G., A.D.C., Vice-Admiral Sir Frederick Tower Hamilton, K.C.B., C.V.O., Rear-Admiral Archibald Gordon Henry Wilson Moore, C.V.O., C.B., Captain Cecil Foley Lambert, R.N., The Right Honourable George Lambert, M.P., and the Right Honourable Sir Francis John Stephens Hopwood, G.C.M.G., K.C.B., Our Commissioners for executing the Office of Lord High Admiral of Our United

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(**a**) *See* Notification of a State of War with the Dual Monarchy of Austria-Hungary printed at p. 1 above.

Kingdom of Great Britain and Ireland and the Dominions thereunto belonging, and to Our Commissioners for executing that Office for the time being, Greeting:

Whereas on the fourth day of August One thousand nine hundred and fourteen, a state of war came into existence between this Country and the German Empire.

And whereas by Our Commission under the Great Seal of the United Kingdom dated the sixth day of August One thousand nine hundred and fourteen, We did authorize and enjoin you, Our said Commissioners, to require Our High Court of Justice to take cognizance of prize matters arising out of the said war.

And whereas a state of war now also exists between this Country and the Dual Monarchy of Austria-Hungary, so that Our fleets and ships may lawfully seize all ships, vessels, and goods belonging to the said Dual Monarchy, or the citizens and subjects thereof, or other persons inhabiting within any of the countries, territories, or dominions of the said Dual Monarchy and bring the same to judgment in such Courts of Admiralty within Our Dominions, Possessions, or Colonies as shall be duly commissionated to take cognizance thereof.

These are therefore to authorize, and We do hereby authorize and enjoin you, Our said Commissioners, now and for the time being, or any two or more of you, in addition to and in extension of the Warrant already given by you under Our said Commission of the sixth day of August One thousand nine hundred and fourteen, to will and require Our High Court of Justice and the Judges thereof, and the said High Court and Judges thereof are hereby authorized and required to take cognizance of and judicially to proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships, vessels, and goods already seized and taken, and which hereafter shall be seized and taken, and to hear and determine the same, and according to the course of Admiralty and the Law of Nations, and the Statutes, Rules, and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels and goods as shall belong to the Dual Monarchy of Austria-Hungary, or to the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of the said Dual Monarchy, as well as the ships, vessels, and goods belonging to the German Empire, or to the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of the said German Empire.

In Witness whereof we have caused the Great Seal of the United Kingdom to be put and affixed to these presents.

Given at Our Court at Buckingham Palace, this Twentieth day of August, in the year of Our Lord One thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

ORDER IN COUNCIL CONFERRING JURISDICTION IN MATTERS OF PRIZE ON CERTAIN BRITISH COURTS IN EGYPT, ZANZIBAR, AND CYPRUS, IN RESPECT OF THE PRESENT WAR AND AUTHORISING THE COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH ADMIRAL TO REQUIRE THE CONSTITUTION OF PRIZE COURTS.(**a**)

1914. No. 1450.

At the Court at Buckingham Palace, the 30th day of September, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas a state of war now exists between this Country on the one hand, and the German Empire(**b**) and the Dual Monarchy of Austria-Hungary(**c**) on the other hand, so that His Majesty's fleets and ships may lawfully seize all ships, vessels and goods belonging to the German Empire or to the Dual Monarchy of Austria-Hungary, or the citizens and subjects of either country or other persons inhabiting within any of the countries, territories, or dominions of the said Empire, or of the said Dual Monarchy, and bring the same to judgment within any such Courts as shall be duly commissionated to take cognizance thereof.

And whereas by Section 1 of the Prize Courts (Egypt, Zanzibar, and Cyprus) Act, 1914,(**d**) it is enacted that:—

"If His Majesty is pleased to confer jurisdiction in matters "of prize on any of the following courts, that is to say:—

"(*a*) His Britannic Majesty's Supreme Court for the "Dominions of the Sublime Ottoman Porte(**e**) in Egypt;

"(*b*) His Britannic Majesty's Court for Zanzibar(**f**) in Zanzibar;

"(*c*) The Supreme Court of Cyprus(**g**) in Cyprus;

(**a**) This Order was published in the "London Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th: in the "Edinburgh Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th; and in the "Dublin Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th.

(**b**) *See* Notification of a State of War with the German Empire, printed at p. 1 above.

(**c**) *See* Notification of a State of War with the Austria-Hungary Empire, printed at p. 1 above.

(**d**) 4 & 5 Geo. 5. c. 79, printed at p. 37 above.

(**e**) As to the constitution of this Court, *see* Article 8 of the Ottoman Order in Council, 1910 (1910, No. 1184) (printed in Statutory Rules and Orders, 1910, p. 140, at pp. 144–146). *See also* the Foreign Jurisdiction (Admiralty) Order in Council, 1910 (1910, No. 1183) (printed in Statutory Rules and Orders, 1910, p. 131).

(**f**) This Court is now constituted by Article 16 of the Zanzibar Order in Council, 1914, Statutory Rules and Orders, 1914, No. 153, which consolidated and amended the previous Zanzibar Orders.

(**g**) As to the constitution of the Supreme Court of Cyprus, *see* Article 4 of the Cyprus Courts of Justice Order 1882, printed Statutory Rules and Orders, Revised Vol. V, p. 343, and subsequent amending Orders in Council, all of which are printed as Statutory Rules and Orders.

"the Court shall, in respect of the present war, have, under the "Naval Prize Courts Acts, 1864 to 1914, the jurisdiction "thereby conferred on a Vice-Admiralty Prize Court, and those "Acts and any Order in Council made thereunder shall apply "accordingly, subject to such modifications (if any) as to His "Majesty in Council may appear expedient or necessary."

And whereas His Majesty is of opinion that jurisdiction in matters of prize should be conferred on all of the said courts:

His Majesty is therefore pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that a Commission in the form of the draft annexed hereto shall issue under the Great Seal of the United Kingdom authorizing the Commissioners for executing the Office of Lord High Admiral to will and require His Britannic Majesty's Supreme Court for the Dominions of the Sublime Ottoman Porte in Egypt, His Britannic Majesty's Court for Zanzibar in Zanzibar, and the Supreme Court of Cyprus in Cyprus, and all the Judges of those Courts to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels and goods that are or shall be taken and all other matters of prize falling within the jurisdiction of Prize Courts and to hear and determine the same and, according to the course of Admiralty and the Law of Nations, and the Statutes, Rules, and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels and goods as shall belong to the German Empire or to the Dual Monarchy of Austria-Hungary or the citizens or subjects of either country or to any other persons inhabiting within any of the countries, territories, or dominions of the said Empire or of the said Dual Monarchy.

Almeric FitzRoy.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to Our right trusty and well-beloved Right Honourable Winston Leonard Spencer-Churchill, M.P., Admiral H.S.H. Prince Louis Alexander of Battenberg, G.C.B., G.C.V.O., K.C.M.G., A.D.C., Vice-Admiral Sir Frederick Tower Hamilton, K.C.B., C.V.O., Rear-Admiral Frederick Charles Tudor Tudor, C.B., Captain Cecil Foley Lambert, R.N., The Right Honourable George Lambert, M.P., and the Right Honourable Sir Francis John Stephens Hopwood, G.C.M.G., K.C.B., Our Commissioners for executing the Office of Lord High Admiral of Our United Kingdom of Great Britain and Ireland and the Dominions thereunto belonging, and to Our Commissioners for executing that Office for the time being, Greeting:

Whereas a state of war now exists between this Country on the one hand and the German Empire and the Dual Monarchy of Austria-Hungary on the other hand so that His Majesty's fleets and ships may lawfully seize all ships, vessels and goods belonging to the German Empire or to the Dual Monarchy of Austria-

Hungary or the citizens and subjects of either country or other persons inhabiting within any of the countries, territories or dominions of the said Empire or of the said Dual Monarchy and bring the same to judgment within any such Courts as shall be duly commissionated to take cognizance thereof.

And whereas by Section 1 of the Prize Courts (Egypt, Zanzibar, and Cyprus) Act, 1914, it is enacted that:—

"If His Majesty is pleased to confer jurisdiction in matters "of prize on any of the following Courts, that is to say:—

"*(a)* His Britannic Majesty's Supreme Court for the "Dominions of the Sublime Ottoman Porte in Egypt;

"*(b)* His Britannic Majesty's Court for Zanzibar in "Zanzibar;

"*(c)* The Supreme Court of Cyprus in Cyprus;

"the Court shall, in respect of the present war, have, under the "Naval Prize Courts Acts, 1864 to 1914, the jurisdiction thereby "conferred on a Vice-Admiralty Prize Court, and those Acts and "any Order in Council made thereunder shall apply accordingly, "subject to such modifications (if any) as to His Majesty in "Council may appear expedient or necessary."

And whereas We are of opinion that jurisdiction in matters of prize should be conferred on all of the said Courts.

These are therefore to authorize and We do hereby authorize and enjoin you Our said Commissioners now and for the time being or any two or more of you by Warrant to will and require His Britannic Majesty's Supreme Court for the Dominions of the Sublime Ottoman Porte in Egypt, His Britannic Majesty's Court for Zanzibar in Zanzibar, and the Supreme Court of Cyprus in Cyprus, and the judges of these Courts: And the said Courts and the judges thereof are hereby authorized and required, to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels and goods held, seized, and taken and which hereafter shall be seized and taken, and all other matters of prize falling within the jurisdiction of Prize Courts and to hear and determine the same and, according to the course of Admiralty, and the Law of Nations and the Statutes, Rules and Regulations for the time being in force in that behalf to adjudge and condemn all such ships, vessels and goods as shall belong to the German Empire or to the Dual Monarchy of Austria-Hungary or to the citizens or subjects of either country or to any other persons inhabiting within any of the countries, territories or dominions of the said Empire or of the said Dual Monarchy.

In witness whereof We have caused the Great Seal of the United Kingdom to be put and affixed to these Presents.

Given at Our Court at Buckingham Palace this thirtieth day of September, in the year of our Lord One thousand nine hundred and fourteen, and in the Fifth year of Our reign.

2. Procedure.

ORDER IN COUNCIL PRESCRIBING THE RULES AND TABLES OF FEES TO BE OBSERVED AND TAKEN IN PRIZE PROCEEDINGS ("THE PRIZE COURT RULES, 1914").

At the Court at Buckingham Palace, the 5th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by section three of the Prize Courts Act, 1894,(**a**) His Majesty in Council is authorized to make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864,(**b**) and the said Act, the procedure and practice of prize courts within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein:

And whereas by section five of the Naval Prize Act, 1864, it is provided that every appeal from a prize court within the meaning of that Act shall be made in such manner and form and subject to such regulations (including regulations as to fees, costs, charges, and expenses) as may for the time being be directed by Order in Council:

And whereas in pursuance of the Prize Courts Act, 1894, certain rules were made by Orders in Council dated the 18th day of July, 1898,(**c**) and the 20th day of October, 1898 (**d**):

And whereas it is expedient that the rules hereinafter set out should be made, and should be substituted for the rules so made:

And whereas on account of urgency this Order should come into immediate operation:

Now, therefore, His Majesty, by virtue of the powers in this behalf of the said Act or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The rules hereinafter set forth shall as from the date on which they are expressed to come into operation have effect and shall be substituted for the rules made by the said Orders in Council dated the 18th day of July, 1898, and the 20th day of October, 1898, and the last mentioned rules are as from the same date hereby revoked.

2. This Order shall take effect provisionally in accordance with the provisions of section two of the Rules Publication Act, 1893,(**e**) from the date hereof.

Almeric FitzRoy.

(**a**) 57 & 58 Vict., c. 39.

(**b**) 27 & 28 Vict., c. 25.

(**c**) Printed St. R. & O. Rev., 1904, "Navy," p. 275.

(**d**) Printed St. R. & O. Rev., 1904, "Navy," p. 127.

(**e**) These Rules were subsequently made in identical terms in accordance with s. 1 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66), by Order in Council dated September 17, 1914, printed at p. 365 below. The Rules were amended by Order in Council of September 30th, 1914, printed at p. 366 below.

TABLE OF CONTENTS.

RULES AND ORDERS.

			Page.
Order	I.	Interpretation	261
,,	II.	Institution of Causes and Issue and Service of Writ	262
,,	III.	Appearance and Claim	264
,,	IV.	Affidavit as to Ship Papers	265
,,	V.	Proceedings in case of failure to proceed by Captors	266
,,	VI.	Discontinuance	267
,,	VII.	Pleadings	267
,,	VIII.	Particulars	267
,,	IX.	Discovery, Inspection, and Admission of Documents and Facts	268
,,	X.	Arrest of Prize—Warrant	269
,,	XI.	Sale, Appraisement, Safe Custody and Inspection of Prize	270
,,	XII.	Bail	271
,,	XIII.	Releases	272
,,	XIV.	Caveats	273
,,	XV.	Evidence and Hearing	274
,,	XVI.	Assessors	277
,,	XVII.	References	277
,,	XVIII.	Costs and Security for Costs	278
,,	XIX.	Taxation of Costs	279
,,	XX.	Interlocutory Applications	279
,,	XXI.	Affidavits	281
,,	XXII.	Oaths	282
,,	XXIII.	Consents and Agreements	282
,,	XXIV.	Subpœnas	283
,,	XXV.	Copies. Printing. Office Copies	283
,,	XXVI.	Payments into and out of Court	284
,,	XXVII.	Enforcement and execution of Decrees and Orders	284
,,	XXVIII.	Detention	286
,,	XXIX.	Requisition by Admiralty	286
,,	XXX.	Prize Salvage	287
,,	XXXI.	Land Expeditions and Conjunct Capture with Ally	288
,,	XXXII.	Joint Capture, Flag Officers' Claims and other Conflicting Claims between Captors	289
,,	XXXIII.	Prize Bounty	291
,,	XXXIV.	Distribution and Naval Agency	291
,,	XXXV.	Instruments and other Documents, and the service thereof	292
,,	XXXVI.	Notices from the Registry	294
,,	XXXVII.	Filing	294
,,	XXXVIII.	Time: Enlargement and Abridgment	294
,,	XXXIX.	Marshal	295
,,	XL.	Hours and Holidays	295
,,	XLI.	Records of the Court	295
,,	XLII.	Certificates of Sale, Condemnation, and Restitution	296
,,	XLIII.	Forms and Fees	297
,,	XLIV.	Appeals	297
,,	XLV.	Cases not provided for	299
,,	XLVI.	Short Title and Commencement	299

APPENDIX A, FORMS.

No. Page.

1 Heading and Titles of Causes 300
(i) *In Rem.*
(ii) *In Personam.*

Writ of Summons :

2 In a cause for condemnation 300
3 Where ship destroyed or lost 301
4 In a cause instituted against a captor 302
5 In Prize Salvage 302
6 In Joint Capture or Re-capture 302
7 Notice in lieu of Service of a Writ 303
8 Entry of Appearance 303
9 Claims in Causes for Condemnation 303–305
(i) By Master.
(ii) By Agent.
(iii) By Managing Owner.
(iv) By Master and Sole Owner.
(v) By Authority of Neutral Government.
(vi) For Droit of Admiralty on Seizure in Port.
(vii) For Droit of Admiralty on Capture by Non-Commissioned Ship.
10 Affidavit of Service of Writ 305
11 Affidavits as to Ship Papers 306
(i) Ordinary Affidavit.
(ii) Where Ship Papers injured, lost, &c.
(iii) Where no Ship Papers found
(iv) By Person having control of Ship Papers within the jurisdiction.
12 Notice of Discontinuance 307
13 Pleadings 307-312
(i) In Proceedings for Condemnation.
(ii) In Prize Salvage.
(iii) In Joint Capture or Re-capture.
(iv) In Objection to Registrar's Report.
14 Order for Particulars 312
15 Particulars 312
16 Affidavit of Discovery 313
17 Notice to Produce for Inspection 313
18 Notice to Produce at Hearing 314
19 Notice to Admit 314
(i) Documents.
(ii) Facts.
20 Admission of Facts 315
21 Warrant of Arrest 315
22 Affidavit to lead Warrant of Arrest 316
23 Commission of Appraisement and Sale 316
24 Certificate of Appraisement 317
25 Bills of Sale by Marshal 317–320
(i) Of Foreign Ship.
(ii) Of British Ship.
26 Contract for Sale 320
27 Marshal's Accounts 321, 322
28 Bail Bond 322
29 Affidavit of Justification 323
30 Notice of Bail 323

APPENDIX A, FORMS—*cont.*

No. Page.
31 Notice of Objection to Surety 323
32 Release 324
    (i) On Restitution.
    (ii) From Arrest.
33 Certificate of Release 324
34 Notice for Caveat Warrant 324
35 Caveat Warrant 325
36 Notice for Caveat Release 325
37 Caveat Release 325
38 Notice for Caveat Payment 325
39 Caveat Payment 326
40 Notice of Withdrawal of Caveat 326
41 Commission to Examine Witnesses 326
42 Request 326
43 Return to Commission to examine Witnesses 327
44 Registrar's Report 328
45 Order confirming Registrar's Report 328
46 Notice of Objection to Registrar's Report 329
47 Notice of Motion 329
48 Summons 329
49 Heading and Jurat to Affidavit 329
50 Oaths 330
    (i) To be administered to a Witness.
    (ii) To a Deponent
    (iii) To a Shorthand Writer.
    (iv) To an Interpreter
        (*a*) General Form.
        (*b*) Before swearing a deponent.
51 Declarations in lieu of Oaths 330
    (i) By Witness.
    (ii) By Deponent.
52 Order 330
53 Decrees 331–338
    (i) On Condemnation ; where Claim made.
    (ii) For Detention.
    (iii) On Condemnation by Default.
    (iv) For Detention on Condemnation by Default.
    (v) On Condemnation of a Ship of War.
    (vi) On Condemnation of a Neutral Ship.
    (vii) On Condemnation ; where ship has been destroyed.
    (viii) On Restoration.
    (ix) Condemning Ship and Restoring Cargo.
    (x) Restoring Ship and Condemning Cargo.
    (xi) Restoring Neutral Ship and Condemning Cargo.
    (xii) On Condemnation as Droit of Admiralty.
    (xiii) In Prize Salvage ; where Ship is brought in and remains under Arrest.
    (xiv) In Prize Salvage ; where Value sworn or agreed.
    (xv) In Prize Salvage ; where Ship restored but Cargo condemned.
    (xvi) In Prize Salvage ; where Ship is brought in and released on Bail.
    (xvii) In Prize Salvage ; where the Ship has been allowed to prosecute her Voyage.
    (xviii) In Joint Capture : on Condemnation, pronouncing for or against title to share.
    (xix) In Joint Capture : on Condemnation, reserving question by whom taken.

APPENDIX A, FORMS—*cont.*

No.		Page.
	(xx) In Joint Capture; subsequent to Condemnation, pronouncing for or against title to share.	
	(xxi) In Joint Capture; before or subsequent to Condemnation, admitting or dismissing petition.	
	(xxii) In Joint Recapture; pronouncing for Joint Title or Interest.	
	(xxiii) In Joint Recapture; reserving question to whom due.	
	(xxiv) In Joint Recapture; rejecting claim of alleged Joint Recaptors and pronouncing for Sole Title or Interest.	
	(xxv) In Prize Bounty; for title.	
	(xxvi) In Prize Bounty; on Claim to share as Joint Captors before title declared.	
	(xxvii) In Prize Bounty; on Claim to share after Decree for Prize Bounty made.	
	(xxviii) In Prize Bounty; reserving question to whom the Bounty is due.	
54	*Notice of Motion for Requisition by the Admiralty*	338
55	Notice of Requisition by the Admiralty	338
56	Commission of Appraisement of Property Requisitioned by the Admiralty	338
57	Affidavit of Value	339
58	Agreement of Value	339
59	Certificate of Service	339
60	Minute on Filing Documents	339
61	Minute of Examination of Witnesses	340
62	Certificate of Condemnation and Sale of Ship	340
63	Certificate of Sale of Ship	340
64	Certificate of Condemnation and Sale of Goods or Cargo ...	341
65	Certificate of Sale of Goods or Cargo	341
66	Certificate of Restitution of Ship	341
67	Certificate of Restitution of Goods or Cargo	342

APPENDIX B, FEES.

Fees to be taken in Prize Matters by the Court and its Officers... ... 343

APPENDIX C, FEES.

Fees to be charged by and allowed to Practitioners in Prize Matters in the Court 347

Index 353

THE PRIZE COURT RULES, 1914.

ORDER I.

Interpretation.

1. In these Rules and the forms thereto annexed, unless the context otherwise requires, the following expressions shall have and include the meanings hereby assigned to them, that is to say:—

"Captor" shall mean any person taking or seizing, or having taken or seized, any ship or goods as prize, and shall (for the purposes of proceedings in any cause or matter) include the captor's solicitor (if any), or the proper officer of the Crown, and shall include re-captor;

"Capture" shall include re-capture;

"Cause" shall mean any prize proceeding instituted by a writ;

"Claimant" shall mean any person who shall assert a claim to ship or goods taken or seized as prize, or to compensation, and shall (for the purposes of proceedings in any cause or matter) include the claimant's solicitor (if any);

(a)"Consular officer" shall include consul-general, consul, vice-consul, consular agent, and any person for the time authorised to discharge the duties of consul-general, consul, or vice-consul;

"Counsel" shall include any barrister-at-law, advocate, or other person entitled to practise and have audience in the Court;

"Court" shall mean the High Court acting in the exercise of prize jurisdiction, and any court in a British Possession duly authorised to exercise prize jurisdiction;

"Crown" shall include the Crown in its office of Admiralty;

"Defendant" shall (for the purposes of proceedings in any cause or matter) include the defendant's solicitor (if any).

"Judge" shall mean any Judge of the Court acting in the exercise of prize jurisdiction;

(a)"Lords of the Admiralty" shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral;

"Marshal" shall mean the marshal of the Probate, Divorce, and Admiralty Division of the High Court, or of any court in a British Possession duly authorised to exercise prize jurisdiction, or such other officer as shall be appointed by such court to carry out the duties of the marshal under these Rules;

(a)"Month" means calendar month;

"Owner" shall include any person to whom by operation of law the property in a ship seized or taken as prize shall, in whole or part, have passed, and shall also include any person intervening in a cause on behalf of an owner, or intervening and claiming or alleging an interest in such ship;

(a) These definitions are identical with those of the Interpretation Act, 1889 (52 & 53 Vict. c. 63), ss. 3, 12 (4) (20), save that that Act uses the expression "the Admiralty."

"Party" shall (for the purposes of proceedings in any cause or matter) include the proper officer of the Crown and the party's solicitor (if any);

"Person" shall include company and corporation and body politic;

"Petitioner" shall (for the purposes of proceedings in any cause or matter) include the petitioner's solicitor (if any);

"Plaintiff" shall (for the purposes of proceedings in any cause or matter) include the plaintiff's solicitor (if any).

"President" shall mean the President of the Probate, Divorce, and Admiralty Division of the High Court, or the principal Judge of a Court in a British Possession duly authorised to act as a Prize Court, as the case may be;

"Proper officer of the Crown" shall mean the King's Proctor or other law officer or agent for the Crown authorised to conduct prize proceedings on behalf of the Crown within the jurisdiction of the Court;

"Registrar" shall mean the Admiralty Registrar of the Probate, Divorce, and Admiralty Division of the High Court, or any assistant or deputy Admiralty Registrar thereof, or the Admiralty Registrar of any court in a British Possession duly authorised to exercise prize jurisdiction, or such other officer as shall be appointed by such court to carry out the duties of the Registrar under these Rules;

"Registry" shall mean the Admiralty Registry of the Probate, Divorce, and Admiralty Division of the High Court, or of any court in a British Possession duly authorised to exercise prize jurisdiction.

"Respondent" shall (for the purposes of proceedings in any cause or matter) include the respondent's solicitor (if any):

"Ship of war" shall include armed ship.

"Solicitor" shall mean any solicitor, attorney, or proctor entitled to practise in the Court, and the proper officer of the Crown;

2. Unless the contrary intention appears, the provisions of these Rules relative to ships shall extend and apply, *mutatis mutandis*, to goods and to freight (if any) due or to grow due; and for such purpose the term "ship" when used in these Rules shall also mean "goods" and "freight."

3. Except where the contrary intention appears, words and expressions in these Rules shall have the same meaning as in the Naval Prize Acts.

ORDER II.

Institution of Causes and Issue and Service of Writ.

(*a*) *Institution of Causes.*

1. Every cause in matters of prize shall be instituted by a writ.

2. Causes shall be numbered in the order in which they are instituted, and the number given to any cause shall be the

distinguishing number of the cause, and shall be written or printed on all instruments and other documents in the cause as part of the title thereof, and the cause shall be entered in the minute book under such number.

Forms of the heading and title of a cause will be found in Appendix A, Nos. 1 (i. and ii.).

3. Every cause instituted for the condemnation of a ship as prize, including causes under Rule 6, shall, except as hereinafter provided, be instituted in the name of the Crown; but the proceedings therein may, with the consent of the Crown (through the proper officer of the Crown), be conducted by the captors or any parties to whom the ship would on condemnation be condemned as prize.

All other causes may be instituted in the name of the parties claiming or proceeding.

(*b*) *Issue of Writs.*

4. Writs shall be issued out of the Registry.

5. A writ for the condemnation of a ship as prize shall be in the form No. 2 of Appendix A.

The writ shall be issued on the application of the proper officer of the Crown.

No writ for the condemnation of a ship as prize shall be issued until an affidavit has been filed as to ship papers.

6. Where the ship has been destroyed or lost, or where goods have been destroyed or lost or removed from the ship, the writ shall be in the form No. 3 of Appendix A.

7. In a cause instituted against a captor for restitution or damages, the writ shall be in the form No. 4 of Appendix A.

8. A cause instituted for the recovery of prize salvage (except where the ship is brought in for adjudication) shall be commenced by writ in the form No. 5 of Appendix A.

9. In a cause instituted to enforce a claim of joint capture, the writ shall be in the form No. 6 of Appendix A.

(*c*) *Service of Writs.*

10. In a cause for the condemnation of a ship as prize, the writ shall be served by the marshal or his substitute.

11. Service of the writ shall be effected by affixing the original writ on a conspicuous part of the ship, and by leaving a true copy fixed in its place when the original is removed.

12. The writ shall be filed by the party after service as aforesaid, with a certificate of service endorsed thereon. The certificate of service shall state the date and mode of service, and shall be signed by the person serving the same, and shall be taken as evidence of such service and of the date and mode thereof.

13. Service of a writ in a cause instituted as in Rule 6 mentioned, shall be effected by the writ being filed in the Registry by the captor, and notice of the institution of the cause shall be given in such manner as the Judge may direct.

14. In a cause instituted as in Rule 7 and Rule 8 mentioned, the writ shall be served on the captors.

15. If it is made to appear to the Judge that service in the manner prescribed by these Rules is impracticable, the Judge may

make such order for substituted or other service, or for the substitution for service of notice by advertisement or otherwise as may seem just. Every application for substituted service or for the substitution of notice for service shall be supported by an affidavit setting forth the grounds upon which the application is made.

(*d*) *Service out of the Jurisdiction.*

16. Service of a writ may, by leave of the Judge, be allowed out of the jurisdiction.

17. Application for leave to serve a writ out of the jurisdiction shall be upon affidavit, stating that in the belief of the deponent the applicant has good cause for proceeding, and showing in what place or country the person or ship to be served is or probably may be found, and the grounds upon which the application is made.

18. An order giving leave to effect service out of the jurisdiction shall limit a time after such service within which an appearance shall be entered.

19. Where the person to be served out of the jurisdiction is not a British subject, or the ship is not the property of a British subject, notice of the writ and not the writ itself shall be served. Notice in lieu of service shall be served in the manner in which a notice of a writ of summons is served according to the procedure for the time being in force in the High Court. A form of notice in lieu of service will be found in Appendix A, No. 7.

20. Where under the practice of the High Court notice of a writ is served through the diplomatic channel, the notice shall, if the writ is issued by the High Court, be transmitted to the Secretary of State for Foreign Affairs in accordance with such practice, and, if the writ is issued by a Prize Court in a British Possession, be transmitted through the chief executive authority to the Secretary of State for the Colonies, with a request for the further transmission of the same to the Government of the country in which service is to be effected.

(*e*) *General.*

21. A writ for condemnation and the fact of service thereof shall be advertised by the Registrar forthwith in one or more of such newspapers and on one or more occasions as he shall think proper.

22. Where a writ is issued on the application of an alien enemy an affidavit shortly stating the grounds of the claim must be filed in the Registry before the writ is issued.

23. Where a writ is issued in respect of a ship purporting to be neutral, notice of the institution of the cause shall be sent by the Registrar to the consular officer of the State to which the ship purports to belong.

ORDER III.

Appearance and Claim.

1. Any person, desiring to enter an appearance in a cause, shall

enter an appearance (Appendix A, Form No. 8) in the Registry within eight days after service of the writ, or may by leave of the Court do so at any time before final adjudication. He shall thereupon become a party to the cause.

2. A person, on entering an appearance, shall give notice thereof to the party issuing the writ.

3. Where a person has no usual residence or place of business within the jurisdiction, appearance may be entered for him by the master of the ship or by an agent duly authorised.

4. A party who has entered an appearance may make a claim in one of the forms marked No. 9 (i.) to (vii.) in Appendix A, with such variations as the circumstances may require.

5. An alien enemy shall, before entering an appearance, file in the Registry an affidavit stating the grounds of his claim.

6. Where no appearance has been entered the party issuing the writ may proceed in the cause subject to the filing of an affidavit of service of the writ. *See* Appendix A, Form No. 10.

ORDER IV.

Affidavit as to Ship Papers.

1. An affidavit as to ship papers shall, unless previously sworn, or otherwise ordered by the Judge, be sworn within ten days after the ship is brought in for adjudication or is seized in port.

2. The affidavit shall, with the ship papers exhibited thereto, be filed in the Registry within three days after the same is sworn as aforesaid, or, if sworn before the ship is brought in for adjudication, within three days after the ship is brought in for adjudication.

3. If a captured ship is destroyed or lost, the affidavit as to ship papers shall, with the ship papers exhibited thereto, be filed within three days of the institution of the cause.

4. Where ship papers are in the custody or under the control of any person within the jurisdiction of the Court, the Judge may, on the application of the captor or of a claimant, order the person having such custody or control to bring the papers into Court; and thereupon such person shall bring in all ship papers as exhibits to an affidavit in the form marked No. 11 (iv.) in Appendix A.

5. The ship papers shall be exhibited to the affidavit and shall be numbered consecutively; and the person before whom the affidavit is sworn shall initial each of the documents.

6. Every affidavit as to ship papers shall be sworn before a Commissioner appointed to administer oaths, or before any other person lawfully authorized to administer oaths in prize matters, or before the Registrar. The person in charge of the ship, or a person desiring to make an affidavit shall produce to the person

before whom the affidavit is sworn all the ship papers (if any) delivered up or found on board the ship.

7. Where ship papers are delivered up or found in ordinary course at the time of capture, the affidavit as to ship papers shall be in the form marked No. 11 (i.) in Appendix A.

Where any ship papers have, after being delivered up or found, been lost, mislaid, injured or altered, or where any ship papers are found hidden or concealed, the affidavit shall be in the form marked No. 11 (ii.) in Appendix A, with such variations as the facts may require.

Where no ship papers are delivered up or found on board the ship, the affidavit shall be in the form marked No. 11 (iii.) in Appendix A.

Provided that no affidavit shall be invalidated by reason only of a defect in form.

ORDER V.

Proceedings in case of failure to proceed by Captors.

1. Where a ship has been captured as prize, and still remains detained, and no cause is instituted against it within one month from the time it is so taken or seized, a claimant may, after issuing a writ as provided by Order II., apply for an order for the release of the ship and its restoration to him, and the Judge upon such application may make such order as to the restoration of the ship and as to damages or costs or as to proceeding to judgment as he may think fit.

2. Where a ship has been captured as prize, but has been subsequently released by the captors, or has, by loss, destruction, or otherwise, ceased to be detained by them without proceedings for condemnation having been taken, any person interested in the ship wishing to make a claim for costs and damages in respect thereof, shall issue a writ as provided by Order II.

3. Where, after a cause has been instituted, the captors fail to take any of the steps within the respective times provided by these Rules, or, in the opinion of the Judge, fail to prosecute with effect the proceedings for adjudication, the Judge may, upon the application of a claimant who has entered an appearance as provided by Order III., order the ship to be released and to be restored to the claimant, and may make such order as to damages or costs as he may think fit.

4. Any person interested in a ship may, without issuing a writ, under the circumstances stated in Rule 1, provided he does not intend to make a claim for restitution or damages, apply by summons for an order that the captors proceed to adjudication, and the Judge may, on the hearing of such summons, order the captors to proceed to adjudication or make such other order as he may think fit.

ORDER VI.

Discontinuance.

Proceedings may be discontinued by leave of the Judge, and not otherwise; such discontinuance may be in respect of all or any part of the subject matter of the cause. No order for discontinuance shall be made or taken to prejudice the right (if any) of a claimant to costs and damages. Notice of discontinuance (Appendix A, Form No. 12) shall be served on the other parties.

ORDER VII.

Pleadings.

1. A party instituting a cause or making a claim shall, if ordered by the Judge, file a petition in the Registry, and serve a copy on the other parties to the cause. Any party served with a copy of the petition may within seven days file an answer thereto and forthwith serve the same, and there shall be no further pleadings except by order of the Judge.

2. The petition and answer shall be divided into short paragraphs numbered consecutively which shall state concisely the facts, and the effect of the documents, if any, on which the party relies, and shall be signed by the party or his solicitor or counsel.

3. A pleading may at any time be amended by consent of the parties, or by order of the Judge. If a party unreasonably refuses to give his consent he shall be liable to be condemned in the costs occasioned by such refusal.

4. A party may apply to the Judge to decide before the trial of the cause any question of law raised by any pleading, and the Judge shall thereupon make such order as he shall think fit.

5. Any person becoming a party after the filing of a petition, shall, after making a claim, or by leave of the Judge, be entitled to a copy of the petition, and shall within seven days of the receipt thereof plead thereto as in Rules 1 and 2 stated.

Forms of pleadings will be found in Appendix A, Nos. 13 (i.) to (iv.).

ORDER VIII.

Particulars.

In any cause the Judge may, on the application of any party by summons, order particulars in writing to be delivered by a party upon such terms as he may think just.

Forms of order and of particulars will be found in Appendix A, Nos. 14 and 15.

ORDER IX.

Discovery, Inspection, and Admission of Documents and Facts.

1. Any party to a cause or matter may, upon filing an affidavit, apply to the Judge for an order directing any other party to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question therein, and the Judge shall make such order, either generally or limited to certain classes of documents, as he may think fit. Provided that discovery shall not be ordered unless the Judge shall be of opinion that it is necessary either for disposing fairly of the cause or for saving costs.

2. The affidavit of discovery (Appendix A, Form No. 16) shall specify which, if any, of the documents therein mentioned the party objects to produce, and the grounds of his objection.

3. Any party to a cause may, for the purposes of the hearing of a cause, serve a notice (Appendix A, Form No. 17) on any other party to produce, for inspection or for the purpose of being copied, any document in his possession or power relating to any matter in question in the cause.

4. If the party served with notice to produce omits or refuses to do so within the time specified in the notice, the adverse party may apply to the Judge for an order to produce, and the Judge may, if he thinks fit, make such order.

5. Notice to produce documents at the hearing or at an examination of witnesses shall be in the Form No. 18 of Appendix A, with such variations as the circumstances may require.

6. The captor or any party who has entered a claim, or, by leave of the Judge, any other party may inspect in the Registry and take copies of the ship papers filed in the cause.

7. A party may, for the purposes of any hearing of a cause, serve a notice (Appendix A, Form No. 19) on any other party to admit any document or fact, saving all just exceptions, and a party not admitting it after such notice shall be liable for the costs of proving the document or fact; unless at the hearing the Judge shall certify that the refusal or omission to admit was reasonable.

Form of admission of facts will be found in Appendix A. No. 20.

ORDER X.

Arrest of Prize.—Warrant.

1. Where a ship is taken as prize and brought into port within the jurisdiction of the Court, or seized as prize in port within such jurisdiction, or having been taken or seized as prize comes or is howsoever within the jurisdiction of the Court, but is not delivered up to the marshal of the Court, the Judge may, after claim made, and upon the application of the claimant, order a warrant for the arrest of the ship to be issued.

2. Where, in any proceeding, it shall be made to appear to the Judge by the Crown or any party to a cause other than a claimant that property taken or seized as prize is within the jurisdiction of the Court, and that it is necessary or desirable that such property should be within the custody of the Court, the Judge may, on the application of the Crown or such party, order a warrant for the arrest of such property to be issued.

3. A warrant (Appendix A, Form No. 21) for the arrest of property shall be issued only on the order of the Judge.

No warrants shall be issued for the arrest of property until an affidavit has been filed by the party applying for the warrant as herein-after prescribed.

4. The affidavit shall state the grounds upon which the application is made and that the aid of the Court is required. Form of affidavit to lead warrant will be found in Appendix A, No. 22.

5. The warrant shall be issued out of the Registry, and lodged by the party applying for the same with the marshal, and it shall be served by the marshal in the manner following:—

(1) upon ship, freight, or goods on board, by attaching the warrant for a short time to some conspicuous part of the ship, and by leaving a copy of the warrant attached thereto:

(2) upon goods or freight where the goods have been landed or transhipped or are not on board a ship, by attaching the warrant for a short time to such goods, and by leaving a copy of the warrant attached thereto; or, if the person having the custody of the goods refuses access thereto, by showing the warrant to such person and by leaving with him a copy thereof:

(3) upon freight or proceeds of prize in the hands of any person other than a person holding the same on behalf of the Court, by showing the warrant to him, and by leaving with him a copy thereof:

(4) upon freight or proceeds in Court, by showing the warrant to the Registrar, and by leaving with him a copy thereof;

A warrant served as in paragraph (3) provided, shall be deemed to be an order for payment into Court forthwith of the freight or proceeds in respect of which the warrant is issued: Provided that, instead of such warrant, the Judge may, if he sees fit, order the person holding or having received such freight or proceeds to pay the same into Court.

6. In urgent cases, the marshal may, after a warrant is placed in his hands for execution, authorise his substitute by telegram or telephone to detain such property until the service of the warrant can be duly effected as herein provided.

7. Warrants may be served on any day, including Sunday and any public holiday.

8. Warrants shall be filed by the marshal within one week after service thereof has been completed, with a certificate of service endorsed thereon.

9. This order shall not apply to ships of war.

ORDER XI.

Sale, Appraisement, Safe Custody and Inspection of Prize.

1. The Judge may, at any time on the application of the marshal or any party, make such order as to the removal, safe custody or preservation of a ship as he may think fit, and may at any time on account of the condition of a ship, or on the application of a claimant, and on or after condemnation, order the ship to be appraised, if not already appraised, and sold.

2. The appraisement and sale of a ship, the removal and survey thereof, and the unlading and warehousing of goods shall be effected by the marshal under the authority of a commission.

Forms of commission and bills of sale by the marshal will be found in Appendix A, Nos. 23 and 25.

3. Where a ship is ordered to be sold, such sale shall be by public auction unless the Judge shall for good cause otherwise order, and the gross proceeds thereof shall be paid into Court by the marshal.

Form showing usual conditions of sale will be found in Appendix A, No. 26.

4. Where the Judge orders any act or acts in Rule 2 mentioned to be done, the party who has obtained the order shall thereupon obtain out of the Registry a commission and shall lodge the same with the marshal for execution.

5. Every commission issued under Rule 2 shall, as soon as possible after its execution, be filed in the Registry by the marshal with a return, setting forth the manner in which it has been executed. The marshal shall, with the commission, file his accounts and the vouchers in support thereof.

Forms of marshal's certificate and accounts will be found in Appendix A, Nos. 24 and 27.

6. The Registrar shall on the application of any party review the marshal's accounts, and shall report the amount which he considers should be allowed; and any party to the cause may be heard before the Registrar on the review.

7. The Judge on the application of any party by summons may review the Registrar's decision.

8. The amount found due to the marshal shall be paid out to him on an order signed by the Judge.

9. All costs and expenses of and incidental to orders issued under Rule 2 shall in the first instance be borne and paid by the party on whose application the order is issued.

10. Where the Judge directs that goods be unladen, inventoried, and warehoused, they shall, unless the Judge otherwise orders, remain in the custody of the marshal until sale or restitution thereof.

11. The Judge may, if he thinks fit, upon the application of any party to a prize proceeding, order any property under the arrest of the Court or being the subject-matter of a prize proceeding to be inspected by any party thereto or by any person appointed by the Court.

ORDER XII.

Bail.

1. Bail shall be given by filing a bail bond, which shall be signed by two sureties, unless the Judge shall order that one surety shall suffice, and it shall be taken before a commissioner authorized to administer oaths in the Court in the exercise of its ordinary jurisdiction, or before the Registrar, or by his direction before a clerk in the Registry, and in every case the sureties shall justify by affidavit.

Forms of bail bond and of affidavit of justification will be found in Appendix A, Nos. 28 and 29.

2. A bail bond shall not, unless by consent, be filed until after the expiration of twenty-four hours from the time when a notice (Appendix A, Form No. 30) containing the names and addresses of the sureties and of the commissioner before whom the bail was taken shall have been served upon the adverse solicitor, and a copy of the notice verified by affidavit shall be filed with the bail bond.

3. No commissioner shall take bail on behalf of any person for whom he or any person in partnership with him is acting as solicitor or agent.

4. A commission or fee paid to a person becoming surety to a bail bond or otherwise giving security may be recovered on taxation, provided that the amount of such commission or fee shall not

in the aggregate exceed one pound per centum on the amount in which bail is given.

5. If the adverse party is not satisfied with the sufficiency of a surety, he may file a notice of objection to such surety (Appendix A, Form No. 31). The surety shall thereupon be produced for cross-examination on his affidavit before the Registrar, who shall report on his sufficiency. If the Registrar reports against the sufficiency of the surety, a new bail bond shall be prepared.

6. Where bail is given in a cause for condemnation it shall be deemed to be given and to be answerable not merely to the actual captors, but to all parties having any rights in or against the property, including the Crown, and in respect of the decree of the Court or of any court authorised to hear appeals therefrom.

ORDER XIII.

Releases.

1. Property in the custody of the Court whether under arrest or otherwise shall only be released under the authority of an instrument issued from the Registry (Appendix A, Form No. 32), to be called a release.

2. A release shall be issued at any time before adjudication upon the application of the proper officer of the Crown.

3. A release may be issued without an order of the Judge unless there is a caveat outstanding against the release of the property—

(1) where the property has been ordered by the Judge to be delivered on bail, and one or more bail bonds have been filed for the appraised value of the property; or

(2) where the property has been arrested at the instance of the Crown and a consent for a release signed by the proper officer of the Crown is filed; or

(3) where the property is the subject of proceedings for condemnation and a consent to restitution signed by the captors is filed; or

(4) where proceedings instituted by or on behalf of the Crown are discontinued; or

(5) Where in proceedings for the recovery of prize salvage the parties claiming salvage discontinue their proceedings, or their claim is dismissed; or

(6) Where in proceedings for the recovery of prize salvage one or more bail bonds have been filed, or other satisfactory security given, for the amount of salvage claimed and costs.

4. No release shall affect the right (if any) of the owners of the property captured to costs and damages against the captor, unless so ordered by the Judge.

5. Where property has been arrested for prize salvage, the release shall not be issued under the foregoing Rules, except on

discontinuance of the proceedings or dismissal of the claim, until the value of the property arrested has been agreed upon between the parties or ascertained as by these Rules provided, unless the Judge shall otherwise order.

6. The release shall be lodged with the marshal by the party upon whose application it has been issued, and thereupon, upon payment to the marshal of all fees due to and charges incurred by him in respect of the property by the party upon whose application the release has been issued, unless the Judge shall otherwise order, the property shall be at once released.

7. The marshal shall file the release with a certificate (Appendix A, Form No. 33) endorsed thereon of the date of the execution thereof.

8. The rules of this Order, except rules 1, 6 and 7, shall not apply to releases on requisition by the Lords of the Admiralty under Order XXIX.

ORDER XIV.

Caveats.

1. Where a ship is subject to a claim for prize salvage but is not under arrest, any person desiring to prevent the arrest of such ship may file a notice in the Registry undertaking to enter an appearance in any cause for the recovery of prize salvage that may have been or may be instituted against such ship, and to give bail in such cause in a sum not exceeding an amount to be stated in the notice, or to pay such sum into the Registry; and a caveat against the issue of a warrant for the arrest of the ship shall thereupon be entered in the caveat warrant book herein-after mentioned.

Forms of notice and of caveat warrant will be found marked Nos. 34 and 35, respectively, in Appendix A.

2. A party taking proceedings for prize salvage against a ship, in respect of which a caveat has been entered in the caveat warrant book, shall forthwith serve a copy of the writ instituting the proceedings upon the party on whose behalf the caveat has been entered, and within three days of the service of the copy of the writ the party on whose behalf the caveat has been entered shall, if the sum claimed does not exceed the amount for which he has undertaken, give bail in such sum or pay the same into the Registry.

3. If the party on whose behalf the caveat has been entered shall not within the three days prescribed by Rule 2 have given bail in such sum or paid the same into the Registry, the caveat may be over-ruled.

4. The entry of a caveat warrant shall not prevent the issue of a warrant for the arrest of any property, but a party at whose instance a warrant shall be issued for the arrest of any property

in respect of which there is a caveat warrant outstanding shall be condemned in all costs and damages occasioned thereby, unless he shall show to the satisfaction of the Judge good and sufficient reason for such issue.

5. Any person having any interest in or claim against any property in the custody of the Court, and desiring to prevent its release, shall file a notice in the Registry, and thereupon the Registrar shall enter a caveat in the caveat release book hereinafter mentioned. Forms of notice and of caveat release will be found in Appendix A, Nos. 36 and 37.

6. Any person having any interest in or claim against any money in Court, and desiring to prevent its payment out of Court shall file a notice in the Registry, and thereupon the Registrar shall enter a caveat in the caveat payment book hereinafter mentioned. Forms of notice and of caveat payment will be found in Appendix A, Nos. 38 and 39.

7. If the person entering a caveat is not a party to the cause, the notice shall state his name and address, and an address within three miles of the Registry at which it shall be sufficient to leave all documents required to be served upon him, and such person shall within seven days of the entry of the caveat enter an appearance in the cause, otherwise the caveat will cease to be effective.

8. The party at whose instance a caveat release or caveat payment is entered shall be condemned in all costs and damages occasioned thereby, unless he shall show to the satisfaction of the Judge good and sufficient reason for such entry.

9. A caveat shall not remain in force for more than six months from the date of entering the same.

10. A caveat may at any time be withdrawn by the person at whose instance it has been entered, on his filing a notice withdrawing it. A form of notice of withdrawal will be found in Appendix A, No. 40.

11. The Judge may over-rule any caveat.

ORDER XV.

Evidence and Hearing.

1. A cause for the condemnation of a ship of war shall be heard upon the affidavit as to ship papers, and the ship papers, if any, exhibited thereto, either alone or upon such other evidence as the Judge may direct.

2. A cause for the condemnation of a ship other than a ship of war shall be heard upon the following evidence, namely:—

- (*a*) the affidavit as to ship papers, and the ship papers, if any, exhibited thereto;
- (*b*) upon the affidavits of the officers of the ship concerned in the capture;

(*c*) the depositions of the witnesses, if any, examined before the hearing, whether such witnesses belong to the captured ship or are tendered on behalf of the captors or of any other party;

(*d*) the evidence given at the hearing of any witnesses, whether on behalf of the captors or of any other party; and

(*e*) such further evidence, if any, as may be admitted by the Judge.

3. At any time after the institution of a cause, whether for condemnation or otherwise, the captors or any other party may apply for the examination of any witnesses before the hearing. The examination (if any), before the hearing, of the witnesses from the captured ship shall be conducted by the proper officer of the Crown, or such other person as the Court shall appoint, in such manner as the Court shall direct for the purpose of ascertaining all information necessary for the assistance of the Court.

4. On application made under the last preceding rule or otherwise the Judge may make such order as he shall think fit as to the examination of witnesses, the hearing of the cause, the bringing in of claims, pleadings, discovery by interrogatories, discovery and inspection of documents, or as to any other matter upon such terms as the nature of the case may require.

5. After a day has been fixed for the hearing of a cause the Registrar shall send notice to all parties that the cause will be heard on the appointed day.

6. At the hearing of a cause the party by whom it has been instituted shall begin, unless the Judge shall otherwise order. If there are several claimants the Judge shall direct which of them shall begin. At the hearing of claims on joint capture the persons claiming to be joint captors shall begin.

7. No ship shall be condemned at the hearing in the absence of an appearance or claim until six months have elapsed from the service of the writ, which shall be verified by an affidavit of service (Appendix A, Form No. 10), unless there be on the ship papers and on the evidence, if any, of the witnesses from the captured ship sufficient proof that such ship belongs to the enemy, or is otherwise liable to condemnation.

8. Where in two or more causes claims have been made by or on behalf of the same persons, and the ship papers in such causes are on the file and in the control of the Court, any party may, by leave of the Judge at the hearing, invoke and give in evidence in any one of such causes the ship papers brought in and filed in any other of such causes, and may, by leave of the Judge, invoke and give in evidence in the cause before the Court any ship papers found on board any ship and any deposition made in any other of such causes.

9. Where a witness is to be examined before the hearing of a cause, the Judge may order that such witness shall be examined before the Judge, or the Registrar, or before some person authorised or appointed for the purpose by the Court (hereinafter called an examiner).

10. If the witness is out of the jurisdiction of the Court, the Judge may order that he shall be examined before an examiner specially appointed for the purpose, or may order, in lieu of a commission, the issue of a request to examine such witness.

Forms of a commission to examine witnesses, and of a request, and of a return to a commission to examine witnesses, will be found in Appendix A, Nos. 41, 42, and 43.

11. The evidence of every witness taken before the hearing shall be taken down in writing by the Judge, Registrar, or examiner, before whom such witness is examined, or by a shorthand writer, appointed by the Judge, Registrar, or examiner, or agreed upon by the parties, and such written evidence, or a transcript of the shorthand writer's notes, shall be certified as correct by the Judge, Registrar, examiner, or shorthand writer.

12. The certified evidence taken before the hearing shall be lodged in the Registry by the party on whose behalf the witness has been examined, or, if taken out of the jurisdiction of the Court, shall forthwith be transmitted by the examiner to the Registry, together with his commission.

13. As soon as the evidence taken before the hearing has been filed or received in the Registry, it may be used as evidence in the cause, saving all just exceptions.

14. When evidence is given at the hearing by the oral examination of witnesses such evidence may be taken by a shorthand writer, appointed by the Judge, and a transcript of the shorthand writer's notes, certified by him to be correct, shall be admitted to prove the oral evidence of a witness.

15. Any examination of a witness may be adjourned, if necessary, from time to time, and from place to place, as the Judge, Registrar, or examiner before whom such examination is taken shall direct.

16. The Judge may order any person within the jurisdiction of the Court who has made an affidavit in a cause to attend for cross-examination thereon before the Judge.

17. Where witnesses are examined orally, whether before the Judge, the Registrar, or an examiner, the parties, their counsel, solicitors, or agents may attend the examination, and the witnesses shall be examined, cross-examined, and re-examined in such order as the Judge, Registrar, or examiner may direct; and questions may be put to any witness by the Judge, Registrar, or examiner as the case may be.

18. The Judge may disallow any questions put in cross-examination of any party or witness which may appear to him to be vexatious or not relevant to any matter proper to be inquired into in the cause.

19. Any person wilfully disobeying any order or subpœna requiring his attendance for the purpose of being examined, or cross-examined, or producing any document, or, on attending, refusing to answer any proper question, shall be deemed guilty of contempt of Court and may be dealt with accordingly.

20. Where any ship papers or other documents have to be translated for use in a cause, such translation shall be made by an

interpreter, appointed by the party who desires to use such translation, or, if necessary, by a person appointed for the purpose by the Judge. The parties to any proceeding may agree, or, if there is no party other than the Crown or the captor, the proper officer of the Crown may direct, which and what parts, if any, of the ship papers and documents shall be translated.

ORDER XVI.

Assessors.

One or more Trinity Masters or other assessors may, on the application of any party, or without such application if the Judge sees fit, be called in to advise the Court upon any matters requiring nautical or other professional knowledge. Such application shall be made by letter or notice lodged in the Registry six days at least before the attendance of the Trinity Masters or other assessors is required.

The fees of the Trinity Masters or other assessors shall be paid in the first instance by the party on whose demand they are summoned.

ORDER XVII.

References.

1. The Judge may refer the assessment of damages, the taking of any accounts, or any other matter which he may think fit, to the Registrar either alone or assisted by one or more merchants or other assessors.

2. Within 21 days from the day when the order for the reference is made, or an agreement for a reference is filed, the claimant shall file the claim and vouchers and affidavits, if any, and serve copies thereof on the opposite party.

3. The claimant shall, after the filing of the claim and vouchers, obtain a day for the reference either by summons or by agreement, and when such day has been obtained he shall lodge in the Registry a notice praying to have the reference placed in the list for hearing with the stamps for the reference affixed thereto.

4. At the time appointed for the reference, if any party be present, the reference may be proceeded with, but the Registrar

may adjourn the reference from time to time, as he may deem proper.

5. Evidence may be given *viva voce* or by affidavit or by documents, and the evidence shall, on the application of either party, but at the expense in the first instance of the party on whose behalf the application is made, be taken down by a shorthand writer appointed by the Court, and a transcript of the shorthand writer's notes, certified by him to be correct, shall be admitted to prove the oral evidence of the witnesses on an objection to the Registrar's report.

6. When a reference has been heard, the Registrar shall draw up a report in writing of the result of the reference, showing any further particulars and reasons that may be necessary. The Registrar shall report whether any and what part of the costs of the reference should be allowed and to whom.

The report shall be in the Form No. 44 of Appendix A, or in such other form as the circumstances of the case may require.

7. The claimant, who has received notice from the Registry that the report is ready, shall, within six days from the time when he has received such notice, file the report and serve a notice of such filing on the opposite party, and shall forthwith apply for an order (Appendix A, Form No. 45) confirming the report.

8. If the claimant shall not take the steps prescribed in the last preceding rule, the adverse party may take up and file the report, and apply for its confirmation, or may apply to the Judge to have the claim dismissed.

9. A party intending to object to the Registrar's report shall, within 14 days from the filing of the report, file in the Registry a notice (Appendix A, Form No. 46) that he objects to the report, and a copy thereof shall be served on the adverse party.

10. An objection to a report shall be brought before the Judge by motion, or on pleadings consisting of a petition in objection to the report and an answer thereto. A notice of motion in objection to a report shall be filed within ten days from the filing of the notice of objection and a copy shall be served on the adverse party, and a petition shall be filed within the same period, and a copy served on the adverse party, and the answer thereto shall be filed within ten days from the service of the petition, and a copy served on the adverse party.

Forms of notice of motion and of pleadings respectively will be found in Appendix A, Nos. 47 and 13 (iv).

ORDER XVIII.

Costs and Security for Costs.

1. The costs of and incident to all prize proceedings shall

except when otherwise provided by any agreement, or by statute, be in the discretion of the Judge.

2. Any person instituting a proceeding, other than a cause for condemnation, or making a claim, and being ordinarily resident out of the jurisdiction of the Court, may be ordered to give security for costs, though he may be temporarily resident within the jurisdiction of the Court, and the proceedings may be stayed until such security is given.

3. In any cause in which security for costs is required, the security shall be of such amount, and be given at such times and in such manner or form, as by bond, payment into Court or otherwise, as the Judge shall direct.

ORDER XIX.

Taxation of Costs.

1. A party desiring to have a bill of costs taxed either between party and party or between solicitor and client, shall file the bill in the Registry.

2. In all cases of taxation the Registrar shall be the taxing officer and the taxation shall proceed in the High Court in accordance with the law and practice governing the taxation of costs in the High Court in the exercise of its Admiralty Instance jurisdiction, and in a Court in any British Possession in accordance with the law and practice governing the taxation of costs in such court in the exercise of its ordinary jurisdiction.

ORDER XX.

Interlocutory Applications.

1. Any application to the Judge at any time other than at the hearing of a cause shall, if made in Court, be made by motion, or, if made in chambers, by summons (Appendix A, Form No. 48).

2. Every application to the Judge other than applications which are by these Rules directed to be made by motion, may be made in chambers by summons, but a summons may be adjourned by the Judge into Court.

3. Every notice of motion (Appendix A, Form No. 47) or summons shall be served upon the adverse party at least 24 hours before the date of the return thereof, unless by consent of the adverse party, or by order of the Judge, the time for such service is shortened.

4. Every notice of motion or summons shall state the nature of the order desired, and the day on which the application is to be made.

5. When the motion or summons comes on for hearing the Judge may, after hearing the parties, or in the absence of any of them, on proof that the notice of motion or summons has been duly served, make such order as he shall deem right.

6. Save as herein-after provided, no motion or summons shall be heard without previous notice to or service on the parties affected thereby, but the Judge, if satisfied that the delay caused by proceeding in the ordinary way would, or might, entail irreparable or serious mischief, may make any order *ex parte* upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Judge may think just; and any party affected by such order may move to set it aside.

7. Any application made in chambers *ex parte* shall, if the Judge think fit so to require, be made by summons.

8. The Registrar may transact all such business and exercise all such authority and jurisdiction in respect of the same as under these Rules may be transacted or exercised by the Judge in chambers, except in respect of the following proceedings and matters, that is to say—

(1) all matters relating to the liberty of the subject or attachments;

(2) awarding of costs other than the costs of or relating to any proceeding before the Registrar and costs which, by these Rules or by the order of the Judge, the Registrar is authorised to award;

Provided, that the Registrar shall only transact such business and exercise such authority and jurisdiction where he has power to transact the like business and exercise the like authority and jurisdiction in matters arising out of the ordinary jurisdiction of the Court.

Provided, further, that any application in chambers may, if required by any party thereto, be heard by the Judge.

9. Any party affected by any order or decision of the Registrar may appeal to the Judge by summons, and such appeal shall be made within three days after the order appealed from.

10. The Judge may on due cause shown vary or rescind any order or decision previously made on motion or summons other than an order made in Court on an appeal from chambers.

11. An appeal from the decision of the Registrar in chambers shall be no stay of proceedings unless so ordered by the Judge or Registrar.

ORDER XXI.

Affidavits.

1. Every affidavit shall be intituled in the cause or matter in which it is sworn, or, if sworn before the commencement of a cause, it shall be headed with the name of the captured ship, and shall be divided into short paragraphs numbered consecutively, and shall be in the first person, and signed by the deponent.

2. The name, address, and description of every person making an affidavit shall be inserted therein.

Where an affidavit is made by two or more persons, the names of all such persons, and the dates when, and the places where, it is sworn, shall be inserted in the jurat.

Form of heading and jurat to an affidavit will be found in Appendix A, No. 49.

3. When an affidavit is made by any person who is blind, or who, from his signature or otherwise, appears to be illiterate, the person before whom the affidavit is sworn shall certify that the affidavit was read over to the deponent, and that the deponent appeared to understand the same, and made his mark or wrote his signature thereto in the presence of the person before whom the affidavit was sworn.

4. When an affidavit is made by a person who does not speak the English language, the affidavit shall be taken down and read over to the deponent by interpretation of a person previously sworn faithfully to interpret the affidavit.

5. Affidavits sworn within the jurisdiction shall be sworn before the Judge, Registrar, commissioner, or officer empowered under these Rules to administer oaths.

6. Affidavits sworn out of the jurisdiction may be sworn before the following persons:—

(1.) If sworn in any place being a part of His Majesty's Dominions before any person authorised to administer oaths in such place.

(2.) If sworn in any place not being a part of His Majesty's Dominions, before any person authorised to administer oaths under the Commissioners for Oaths Act, 1889,(**a**) Sections 4 and 6, or under the Commissioners for Oaths Act, 1891,(**b**) Section 2, or under the Commissioners for Oaths (Prize Proceedings) Act, 1907,(**c**) or before a notary public, or before a Judge or magistrate, the signature of such notary public, Judge, or magistrate being authenticated by the official seal of the Court to which he is attached, or by the official seal of the Supreme Court of the country where the affidavit is sworn, or by the Certificate of a consular officer.

7. The reception of any affidavit as evidence may be objected to, if the affidavit has been sworn before the solicitor for the party on whose behalf it is offered, or before a partner or clerk of such solicitor.

(**a**) 52 & 53 Vict. c. 7. In the Statutes Revised, Vol. 17 (1909), ss. 4, 6 of the Act of 1889 are printed with the insertions made by the Acts of 1891 and 1907.

(**b**) 54 & 55 Vict. c. 50.

(**c**) 7 Edw. 7. c. 25.

8. Every affidavit shall, before being used as evidence, be filed in the Registry, and a copy thereof served on the other parties to the cause.

ORDER XXII.

Oaths.

1. The Registrar, and any commissioner for oaths, or other person directed or empowered to administer oaths in prize proceedings may administer oaths therein.

2. The Judge may appoint any person to administer oaths in prize proceedings either generally or in any particular proceeding.

3. Any person to whom an oath is administered shall swear in the manner provided by the Oaths Act, 1909,(**a**) or in such manner as is provided by the law regulating the manner of taking oaths in the Court.

4. If any person tendered for the purpose of giving evidence, whether orally or by affidavit, objects to take an oath or is not a Christian, or is objected to as incompetent to take an oath, or is by reason of any defect of religious knowledge or belief incapable of comprehending the nature of an oath, the Judge or person authorised to administer the oath shall, if satisfied that the taking of an oath would have no binding effect on his conscience, permit him, in lieu of an oath, to make a declaration.

5. Forms of oaths and declarations in lieu of oaths will be found in Appendix A, Nos. 50 and 51.

ORDER XXIII.

Consents and Agreements.

Any consent or agreement in writing, signed by the parties or by their solicitors, may, if the Registrar think it reasonable, be filed, and shall thereupon become an order of the Court, and have the same effect as if such order had been made by the Judge.

(**a**) 9 Edw. 7. c. 39. This Act, which provides for the holding of the Testament in uplifted hand, does not apply to Scotland.

ORDER XXIV.

Subpœnas.

1. Any party desiring to compel the attendance of a witness for the purpose either of giving evidence or of producing any document may serve him with a subpœna, which shall be prepared by the party and issued under the seal of the Court.

Forms of subpœna shall be such as are for the time being in force in the High Court, or in the case of a Court in a British Possession such as are for the time being in force in that court in the exercise of its ordinary jurisdiction.

2. A subpœna may contain the names of any number of witnesses, or may be issued with the names of the witnesses in blank.

3. Service of the subpœna must be personal, and may be made by the party or his agent, and shall, if necessary, be proved by affidavit.

4. Refusal or neglect to attend on subpœna issued as aforesaid, or to give evidence on attendance thereunder, shall be deemed to be contempt of Court and may be dealt with accordingly.

ORDER XXV.

Copies. Printing. Office Copies.

1. Depositions, pleadings, affidavits, and all other documents and copies thereof may be either written, typed, or printed as may be most convenient, except transcripts of the evidence of a witness taken before a hearing, which shall be printed, unless the Registrar shall otherwise order. Any dispute between the parties as to whether a document should be written, typed, or printed shall be decided by the Registrar on the application, without a summons, of any party.

2. Where a document is printed the rules as to printing for the time being in force in the High Court, or in the case of a Court in a British Possession the rules as to printing for the time being in force in that court in the exercise of its ordinary jurisdiction shall have effect as if such rules were part of these rules.

3. Any person entitled to inspect any document in a cause. shall on payment of the proper charges for the same be entitled to an office copy thereof.

ORDER XXVI.

Payments into and out of Court.

1. In causes instituted in the United Kingdom all funds and moneys to be paid into Court in prize matters, and all securities to be placed to the credit of any such matters, shall be dealt with in the manner in which moneys or securities paid or transferred into Court are usually dealt with in the exercise of the ordinary jurisdiction of that Court.

2. In causes instituted in a British Possession all funds and moneys to be paid into Court in prize matters, and all securities to be placed to the credit of any such matters, shall be transferred, paid, or placed to the account or credit of the proper officer of the Court, which is authorised to act as a Prize Court, to whom moneys paid into Court are usually paid, and shall be placed in the books of the said officer to the credit of "Prize Moneys," and of the particular ship in respect of which the same shall be transferred, paid, or placed. If there is no such officer as above, the payments shall be made to the Registrar who shall open an account in a bank to be approved by the Judge in respect of the particular ship, in respect of which the said moneys shall be transferred, paid, or placed.

3. No money shall be paid out of Court except in pursuance of a decree or order of the Judge.

ORDER XXVII.

Enforcement and Execution of Decrees and Orders.

1. Where the Judge condemns property as prize the decree of condemnation may be enforced:—

(1.) If the property is still under arrest, by sale of such property.

(2.) If the property has been sold before condemnation and the proceeds have not already been paid into Court, by order to the persons holding the same to pay the same into Court.

(3.) In respect of freight found due for the carriage of goods in a ship condemned as prize, by arrest of the goods so carried until payment into Court of such freight or by order against the owner of the goods, or other persons holding, or responsible for, such freight, to pay the same into Court.

(4.) So far as a decree deals with costs and expenses (other than costs and expenses ordered to be paid out of proceeds), by order against the parties ordered to pay the same or their bail.

(5.) If the property has been released on bail before condemnation, by order against the bail.

2. Where the judge decrees property taken or seized as prize to be restored to the owner thereof the decree shall be carried out by means of a release as prescribed in Order XIII.: Provided, that the Judge may order such release upon such terms as to the payment of costs and expenses and freight (if any is due), or otherwise, as to the Judge may seem just, and if such terms are not complied with or such payments are not made within a time to be named in the order, may direct the appraisement and sale of such property and the payment into Court of the proceeds of sale, and the payment thereout of such costs and expenses or freight.

3. Where in a decree restoring a ship it is pronounced that freight is due in respect of cargo carried therein and payment of such freight is ordered, the decree may be enforced as regards the payment of freight against the cargo or the owners thereof:—

(1.) If the cargo has been condemned, by payment out of the proceeds of the sale of such cargo.

(2.) If the cargo has been unladen and sold before adjudication and the proceeds of the sale are still in Court, by payment out of the proceeds of sale.

(3.) If the cargo has been unladen, but still remains under the arrest of the Court, by sale of such cargo and payment out of the proceeds of sale.

(4.) If the cargo has been unladen and has been restored to the owner on bail, by order against the bail to pay the freight into Court.

(5.) If the cargo has been unladen and has been restored to the owner without bail, by order against the owner or person to whom the same has been restored, or against any person having received or being in possession of such cargo or freight, to pay such freight into Court.

4. Any decree or order other than a decree of condemnation or restitution and not expressly provided for by the Naval Prize Acts,(**a**) or by these Rules, may be enforced by order against the parties against whom such decree or order is made, or may be enforced in the same manner as a judgment, decree or order of the High Court in the exercise of its Admiralty jurisdiction, or, in the case of a court in a British Possession, in the same manner as a judgment, decree or order of that court in the exercise of its ordinary jurisdiction may be enforced.

5. Forms of order and decrees will be found in Appendix A, Nos. 52 and 53 (i.) to (xxviii.).

6. The Rules of this Order shall apply to the enforcement by the Court of decrees or orders of any other Prize Court or of the Judicial Committee of the Privy Council.

(**a**) The Naval Prize Act, 1864 (27 & 28 Vict. c. 25), the Prize Courts Act, 1894 (57 & 58 Vict. c. 49), and the Prize Courts (Procedure) Act, 1914, may (*see* 4 & 5 Geo. 5. c. 13, s. 2) (printed at p. 8 above) be cited as "The Naval Prize Acts, 1864 to 1914."

ORDER XXVIII.

Detention.

1. Where it is held in a suit for condemnation that the ship is an enemy ship but in pursuance of some International convention or otherwise is only liable to detention and not to condemnation, the decree (Appendix A, Form 53, ii. and iv.) shall direct the marshal to retain the ship in his custody until further orders.

2. Where a decree of detention has been made under Rule 1 the ship shall be kept at such port or place as the Court may from time to time direct.

3.(**a**) *Fee No. 48 of Appendix B shall not be leviable in respect of a ship detained under Rule 1, and no ship-keeper shall be maintained on board the ship except on the application of the owner or other party interested in the ship. The expenses incurred in the payment of a ship-keeper under this rule shall be recoverable from the claimant as fees due to the marshal.*

ORDER XXIX.

Requisition by Admiralty.

1.(**b**) If in a cause for the condemnation of a ship in respect of which no final decree has been made, it is made to appear to the Judge *on motion* on behalf of the Crown that the Lords of the Admiralty desire to requisition the ship and that there is no reason to believe that the ship is entitled to be released, he shall order that the ship shall be appraised, and that upon payment into Court on behalf of the Crown of the appraised value of the ship the said ship shall forthwith be released and delivered to the Lords of the Admiralty.

Form of notice of motion will be found in Appendix A, No. 54.

Provided that no order shall be made by the Judge under this rule in respect of a ship which he considers there is good reason to believe to be neutral property.

2. Where a ship has been condemned as prize and has not yet been sold, or where a decree for the detention thereof has been made in accordance with Order XXVIII. the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Lords of the Admiralty desire to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the marshal directing him to appraise the ship shall issue. On payment into Court on behalf of the Crown of the appraised value the ship shall be released and delivered to the Lords of the Admiralty.

Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

(**a**) The Order in Council of September 30th, 1914 (printed at p. 366 below), provides that Rule 3 shall be omitted, and this omission shall be retrospective and shall take effect as if the said Rule had never been inserted in the said Rules.

(**b**) The Order in Council of September 30th, 1914 (printed at p. 366 below), provides that in Rule 1 the words "on motion" and "Form of notice of motion will be found in Appendix A, No. 54," shall be omitted.

3. Where in any case of requisition under this Order it is made to appear to the Judge *on motion*(**a**) on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the Judge may order the same to be forthwith released and delivered to the Lords of the Admiralty without appraisement.

4. In any case where a ship has been requisitioned under the provisions of this Order and whether or not an appraisement has been made any party may apply to the Court *by motion*(**b**) to fix the amount to be paid by the Crown in respect of the value of the ship and the sum so fixed, so far as not already paid into Court, shall be paid into Court on behalf of the Crown.(**c**)

5. The proceedings in respect of a ship requisitioned under this Order shall continue notwithstanding the requisition.

ORDER XXX.

Prize Salvage.

1. A ship brought into port for adjudication after recapture from the enemy, but liable to restoration on payment of salvage, shall (except as herein-after provided) be proceeded against by writ, and, if so ordered by the Judge, on pleadings, in the same form and manner as all other ships captured as prize.

Forms of writ and of pleadings in prize salvage will be found in Appendix A, Nos. 5 and 13 (ii.).

2.—(*a*) Where a ship, on recapture from the enemy by any of His Majesty's ships, or by any persons other than her own crew, which, if brought into port by the recaptors, would have been liable to restoration on payment of salvage, is with the consent of the recaptors allowed to prosecute her voyage, or otherwise parts company with or ceases to be in the possession of the recaptors; or

(*b*) Where a ship captured by the enemy is recaptured by the crew of such ship:

In either case the recaptors may take proceedings to recover the salvage due in respect of recapture (if any), either *in rem* or *in personam*.

3. Within 12 days after a writ has been served, the owner shall file an affidavit setting out the value of the property claimed or alleged to have been salved, or an agreement with the recaptors as to such value.

Forms of affidavit and of agreement of value will be found in Appendix A, Nos. 57 and 58.

4. Where no claim is made by an owner, or no appearance is entered, or default is made in filing an affidavit or agreement of value, or where the recaptors are dissatisfied with the value deposed to, the Judge may, on the application of the recaptors, direct the property to be appraised by the marshal or otherwise valued.

(**a**) The Order in Council of September 30th, 1914 (printed at p. 366 below), provides that in Rule 3 the words "on motion" shall be omitted.

(**b**) The Order in Council of September 30th, 1914 (printed at p. 366 below), provides that in Rule 4 the words "by motion" shall be omitted.

(**c**) The Order in Council of September 30th, 1914 (printed at p. 366 below), adds two Rules (4A and 4B) to this Order.

5. If no appearance is entered the recaptors may, subject to the filing of an affidavit of service (Appendix A, Form 10), set the case down for hearing by default; in all other cases the recaptors may at any time after appearance entered, apply for a day for the hearing.

6. Where at the time of a decree or order awarding prize salvage the ship is under arrest, the decree or order of the Court may be enforced by sale of the ship and payment of the amount due out of the proceeds of sale.

7. Where a ship under arrest has been released on security being given, the decree or order awarding prize salvage may be enforced:

(1) if money has been paid into court, by order for payment out;

(2) if bail has been given, by order for payment against the bail, and execution against the bail in default of payment.

8. Where the proceedings for prize salvage have been taken *in personam*, the decree or order may be enforced against the owner, and execution issued against him. If the owner makes default in payment, the Judge may direct a warrant to issue for the arrest of the ship on such ship coming within the jurisdiction of the Court, and may order a sale of the ship and payment of the award to be made out of the proceeds of such sale.

9. Where any salvage is awarded to any persons other than officers and crews of His Majesty's ships of war, either alone or conjointly with such officers and crews, the Judge may make an order apportioning such salvage between such persons, or between such persons and such officers and crews, in such proportions as to the Judge shall seem fit.

Provided, that nothing herein contained shall be taken to authorise the distribution of salvage among such officers and crews or to affect any Proclamation of His Majesty as to the distribution of Prize Money.

Forms of decrees in prize salvage will be found marked No. 53 (xiii.) to (xvii.) in Appendix A.

10. No decree or order for the payment of salvage to salvors shall be made unless and until the Judge is satisfied that no persons other than the said salvors are entitled to share in such salvage.

ORDER XXXI.

Land Expeditions and Conjunct Capture with Ally.

A ship taken by land expedition within the meaning of the Naval Prize Act, 1864, sect. 34, or by a conjunct capture with an ally within the meaning of sect. 35 of the said Act, shall be proceeded against and dealt with, as far as possible, in the same manner as herein-before provided in the case of any other ship captured as prize.

ORDER XXXII.

Joint Capture, Flag Officers' Claims, and other Conflicting Claims between Captors.

1. Any person claiming to share as joint captor (hereinafter called "the petitioner") may, at any time after the institution of a cause relating to a ship in respect of which he claims a share, proceed as herein-after provided:

(1.) A writ (Appendix A, Form No. 6) shall be issued by the petitioner in the Registry, instituting a cause of joint capture.

(2.) If the cause is instituted before condemnation of the ship in respect of which the petitioner claims to share, or in prize salvage before adjudication, the petitioner shall, except in the case of a flag officer claiming to share by virtue of his flag, within six days after issuing his writ give security to the satisfaction of the Court to contribute to the actual captors a just proportion of any costs, charges, expenses or damages that may be incurred by or awarded against the actual captors on account of the capture and detention of the prize. Within 10 days after such security is given the petitioner shall file in the Registry a petition setting out the material facts on which he relies to establish his claim to share as aforesaid.

(3.) If the cause is instituted after condemnation of the ship in respect of which the petitioner claims to share, or in prize salvage after adjudication, the Judge shall, upon sufficient cause being shown by affidavit why the application was not presented before condemnation or adjudication, and upon payment being made and security being given (as hereinbefore provided), allow the writ to be served upon the party to whom the ship has been condemned (hereinafter called "the respondent"), or in prize salvage on the captors, who shall show cause why the petitioner should not be pronounced to be a joint captor of the said ship.

(4.) Where the cause is instituted after condemnation, the petitioner shall, within 10 days after such payment has been made and such security has been given, file a petition setting out all the material facts on which he relies to establish his claim to share as aforesaid, and serve the same as herein-before provided.

(5.) The respondent shall appear to the writ by entering an appearance (Appendix A, Form No. 8) in the Registry within the time named in the writ.

2. The respondent, if he desires to contest the right of the petitioner to share, shall file an answer.

If the respondent admits the right of the petitioner to share, he shall file an admission in the Registry.

A copy of every pleading shall be served on the opposite party.

Forms of the above pleadings will be found in Appendix A, No. 13 (iii).

3. Upon the answer, and the reply thereto (if any), or admission being filed, the petition shall be heard in Court, on an early day to be appointed by the Registrar, upon the application of either party, upon such evidence as the Judge shall think fit.

4. If in a cause instituted against a ship for condemnation as prize, or in a cause for prize salvage, a cause of joint capture is instituted before condemnation or adjudication, the Judge may, at the hearing of the principal cause, upon condemnation of the ship as lawful prize to the Crown, determine the title of the petitioner to share as aforesaid.

Forms of decree in joint capture will be found in Appendix A, No. 53 (xviii.) to (xxi.).

5. The costs of and occasioned by the petition shall, as the Judge shall direct, be borne by the petitioner or respondent or be paid out of the proceeds of the ship if condemned.

6. Except by special leave of the Judge no party shall be admitted to claim to share as a joint captor in a prize, or in prize salvage, unless he shall institute his cause and file his petition within six months from the date on which the Judge shall have pronounced any other party entitled to such prize, or prize salvage.

7. A claim by a flag officer to share in prize, or prize salvage, by virtue of his flag shall not be made until after condemnation, and shall then be made in the same form and manner, and the same proceedings shall be had thereon, as in cases of asserted joint capture:

Provided, that such flag officer shall not be required to pay costs or give security for costs.

8. Where in any proceedings instituted for condemnation, or for prize salvage, the title or interest of the party instituting such proceedings is denied by any other party who asserts that he has as captor the sole title or interest in the prize, or prize salvage, proceedings may be taken for the purpose of determining such title or interest in the form and manner herein provided for determining the title and interest in a claim of joint capture: Provided, that the petitioner shall not be required to give any security or pay any costs before so proceeding unless so ordered by the Judge, and that the form of proceedings shall assert such sole title and interest instead of a joint title and interest, and that the petition shall be filed within 10 days after the cause is instituted by the petitioner instead of after security given.

9. All other applications to share in prize proceeds, or prize salvage, shall, unless the Judge shall otherwise direct, be made by motion.

ORDER XXXIII.

Prize Bounty.

In claims for prize bounty the procedure shall be as follows:—

(1.) Where the ship is brought in for adjudication the application for a decree under the Naval Prize Act, 1864, Section 43, shall be made in Court at the hearing of the principal cause, or as soon thereafter as possible.

(2.) Where the ship has been destroyed, or, having been taken, has not been brought in for adjudication, the application for a decree as aforesaid shall be made by motion in Court.

(3.) Not less than four clear days before such application, notice thereof shall be served upon the proper officer of the Crown.

(4.) The witnesses in support of the application shall be examined before the Judge in Court, or their evidence may be given by affidavit.

(5.) If the Judge makes a decree in favour of the application and there are no parties other than the original applicants claiming to share in the bounty, the Judge may upon the hearing of the application, or at a later date if he shall see fit, make a decree declaring the title of the applicants to the prize bounty, and stating the amount thereof. If there are other persons claiming to share in the bounty, the Judge may make a decree that bounty is due, stating the amount thereof, but reserving the question to whom the said bounty is due.

Forms of decree will be found in Appendix A, No. 53 (xxv.) to (xxviii.).

(6.) All claims to share as joint captors in prize bounty shall be, as far as possible, subject to the same procedure and rules, and be heard and determined in the same manner, as herein-before provided in the case of claims to share as joint captors in prize.

ORDER XXXIV.

Distribution and Naval Agency.(**a**)

In questions concerning the distribution or investment of prize moneys, whether the proceeds of prize, prize salvage, or prize bounty, distributable under the provisions of the Naval Agency and Distribution Act, 1864,(**b**) or otherwise, and in questions concerning the remuneration of ships' agents under the said Act, the procedure shall be as follows:—

(1.) Any application for distribution or investment of such money shall be by motion.

(**a**) *Attention should be called to Section 22 of the Naval Agency and Distribution Act*, 1864.

(**b**) 27 & 28 Vict. c. 24.

(2.) No motion shall be heard unless four days' previous notice thereof, intituled in the cause to the credit of which such money stands or in which such money has been pronounced due, has been served by the applicant upon all parties interested, including (if they are not applicants) the Lords of the Admiralty.

(3.) The Judge may, if he thinks fit, direct any application for distribution or investment to be heard on pleadings.

(4.) Evidence on such applications shall be by affidavit, but the Judge may direct any witness to be examined or cross-examined.

(5.) In the taxation of the costs, charges, and expenses of the officers and crew of any of His Majesty's ships or of any ships' agent under Section 13 of the Naval Agency and Distribution Act, 1864, the same procedure shall be followed as is herein-before provided for the taxation of costs.

(6.) Where any difference within the meaning of Section 20 of the Naval Agency and Distribution Act, 1864, arises between ships' agents as to the apportionment of their percentage, any such agent may take out a summons intituled in the cause in which the question arises calling upon all other persons interested to show cause why the matter should not be referred to the Registrar, and upon such summons and proof of due service thereof on such persons an order may be made referring such difference to the Registrar. Upon report made by the Registrar any party may object to the same. Order XVII. shall apply, as far as possible, to references under this Order.

ORDER XXXV.

Instruments and other Documents, and the Service thereof.

1. Every warrant, release, commission, and other instrument to be executed by any officer of, or commissioner acting under the authority of, the Court, shall be prepared in the Registry, and shall be issued under the seal of the Court.

2. The seal of the Court to be used for the purposes of these Rules shall be such as the President shall from time to time direct.

3. Every document issued under the seal of the Court shall bear date on the day of sealing, and shall be deemed to be issued at the time of the sealing thereof.

4. Every instrument to be executed by the marshal shall be left with the marshal by the party at whose instance it is issued, with written instructions for the execution thereof.

5. Except in the case of an order for committal, it shall not be necessary to the regular service of an order that the original order be shown if an office copy be exhibited.

6. All notices, pleadings, summonses, orders, and other documents, proceedings, and written communications in respect of which personal service is not required shall be sufficiently delivered or served if left within the prescribed hours at the address for service of the person to be served with any person resident at or belonging to such place. The prescribed hours shall be such as are appointed by the President by general order a copy of which shall be affixed in some prominent place in the Court or Registry.

7. Where no appearance has been entered for a party, or where a party has omitted to give an address for service, all notices, pleadings, summonses, orders and other documents, proceedings, and written communications in respect of which personal service is not required may be served by filing them in the Registry.

8. All orders (except as in these Rules otherwise provided), disobedience to which would render a party liable to committal, shall be served personally.

9. Where personal service of any order, notice, pleading, summons, or other document, proceeding, or written communication is required by these Rules or otherwise, the service shall be effected by showing it to the party to be served and by leaving with him a copy thereof.

10. Where personal service of any notice, pleading, summons, order or other document, proceeding, or written communication, is required by these Rules or otherwise, and it is made to appear to the Judge that the person to be served is under disability or that prompt personal service cannot be effected, the Judge may order upon whom, or in what manner, substituted or other service is to be made, or may order notice by letter, advertisement or otherwise to be given in lieu of service.

11. The service of every warrant or other instrument by the marshal shall be verified by his certificate.

Form of certificate of service will be found in Appendix A, No. 59.

12. The Judge may direct that any summons, order, notice, or other instrument shall be served on any party or person in a foreign country, and the procedure prescribed by Order 11., Rules 16 to 19 inclusive, with reference to service of notice of a writ shall apply to the service of any summons, order, notice, or other instrument so directed to be served.

ORDER XXXVI.

Notices from the Registry.

Any notice from the Registry may be either left at, or sent by post to, the address for service of the party to whom notice is to be given; and the time at which the notice if posted would be delivered in the ordinary course shall be considered the time of service thereof.

ORDER XXXVII.

Filing.

1. Documents shall be filed by leaving the same in the Registry, with a minute stating the nature of the document, and the date of filing it.

A form of minute on filing documents will be found in Appendix A, No. 60.

2. Any number of documents in the same cause may be filed with one and the same minute.

3. Save as otherwise provided by these Rules, before any document, except affidavits as to ship papers, bail bonds, documents issued from the Registry and minutes, is filed, a copy thereof shall be delivered to or served on the adverse party, if any, and no document. except as aforesaid, shall be filed without a certificate endorsed thereon, signed by the party filing the same, that a copy thereof has been so delivered or served upon such adverse party, if any.

ORDER XXXVIII.

Time: Enlargement and Abridgment.

1. In all matters in regard to the time for doing any act or taking any proceeding, the ordinary procedure in regard to time in force in the High Court or in the case of a Court in a British Possession the procedure in regard to time in force in that Court in the exercise of its ordinary jurisdiction shall prevail.

2. The Judge may, on the application of either party, enlarge or abridge the time prescribed by these Rules or forms, or by any order made under them, for doing any act or taking any proceeding, upon such terms as to him shall seem fit, and any such enlargement may be ordered, although the application for the same is not made until after the expiration of the time prescribed.

ORDER XXXIX.

Marshal.

1. The marshal shall execute by himself or his substitute all instruments issued from the Court which are addressed to him, and shall make returns thereof.

2. Whenever, by reason of distance or other sufficient cause, the marshal cannot conveniently execute any instrument in person, he shall employ some competent person as his substitute to execute the same.

3. Whenever in any port in His Majesty's Dominions, there is no person appointed or employed to act as substitute of the marshal, the principal officer of customs of the port shall be deemed to be the substitute of the marshal for the purposes of the execution and service of warrants and other instruments, the custody of prize, and for such other purposes as the President shall direct, and for such purposes shall be an officer of the Court.

4. Persons may be appointed or employed to act as substitutes of the marshal for the purposes mentioned in Rule 3 in the ports of any ally in war of His Majesty, or for the purpose of the services of any process out of the jurisdiction.

ORDER XL.

Hours and Holidays.

The Registry and the marshal's office shall be open for the transaction of prize matters at such times as they are open for the transaction of the business of the Court when exercising its ordinary jurisdiction. Provided, that the Registrar shall make arrangements for the issue of process in all urgent cases when the offices are closed.

ORDER XLI.

Records of the Court.

1. There shall be kept in the Registry a book to be called the minute book, in which shall be entered in order of date under the head of each cause, and on a page numbered with the number of the cause, a record of the institution of the cause, of all appearances entered, of all documents issued or filed, of all witnesses examined, and of all acts done, and in which shall in

the like order be entered in full all orders and decrees of the Court, whether made by the Judge, or by the Registrar, or by consent of the parties in the cause.

Form of minutes of examination of witnesses will be found in Appendix A, No. 61.

2. A copy of any order or decree certified by the Registrar as correct shall be deemed to be a true copy of such order or decree for all purposes.

3. There shall be kept in the Registry a caveat warrant book, a caveat release book, and a caveat payment book, in which all such caveats respectively and the withdrawal thereof shall be entered.

ORDER XLII.

Certificates of Sale, Condemnation, and Restitution.

1. Where property taken or seized as prize is sold by order or decree of the Court, any person to whom such property is sold may, within one month from the date of the sale or condemnation of the property, whichever last happens, and after notice to the proper officer of the Crown, apply to the Judge for an order directing the issue of a certificate of condemnation and sale, or of sale only; and upon such application the Judge shall, unless good cause is shown to the contrary, direct a certificate to be issued, and the same shall be issued in one of the forms in Appendix A, Nos. 62, 63, 64, 65.

2. Where such certificate is issued in respect of a ship, the applicant shall be entitled to have a certificate endorsed on the bill of sale by which the ship is sold to him, on production of the bill of sale to the Registrar.

Where such certificate is issued in respect of goods or cargo, the applicant shall be entitled to have the certificate endorsed on the contract or sold note (if any) under which such goods or cargo were sold to him on production of such contract or sold note to the Registrar.

3. Where the property taken or seized as prize is restored to the owner thereof by order or decree of the Court, the owner may within one month from the date of the order or decree, and after notice to the proper officer of the Crown, apply to the Judge for an order directing the issue of a certificate of restitution, and the Judge shall, unless good cause is shown to the contrary, direct a certificate to be issued in one of the forms in Appendix A, Nos. 66 or 67.

ORDER XLIII.

Forms and Fees.

1. The forms in Appendix A shall be followed with such variations as the circumstances may require.

2. The fees to be taken in the Court in prize matters by the Court and the officers thereof, and the costs, charges, and expenses to be allowed to the practitioners therein, shall be the fees set out in Appendix B, and the costs, charges, and expenses set out in Appendix C respectively, or so near thereto as the currency in use in any place in which the Court is situate will permit. All fees to be taken as aforesaid shall be taken by means of stamps.

3. No document shall be filed, no process issued, no decree or order made, nor act done, by the Court or Registrar, until the fees due and payable in respect of such filing, issue, decree, order, or act respectively, shall have been paid into the Registry, unless it is otherwise ordered by the Judge.

ORDER XLIV.

Appeals.

1. In this Order, unless the context otherwise requires:—

"Appeal" means "Appeal to His Majesty in Council."

"Judgment" includes decree, order or decision.

"Record" means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence, and judgment) proper to be laid before His Majesty in Council on the hearing of the appeal.

2. Applications to the Court for the admission of an appeal as of right, or for leave to appeal, shall, if not made at the time that the judgment appealed from is delivered by the Court, be made by motion within seven days from the date of such judgment, and the applicant shall give to the opposite party notice of his intended application.

3. An appeal shall only be admitted, or leave to appeal granted, by the Court—

(*a*) upon the appellant, within a period to be fixed by the Court, entering into sufficient security to the satisfaction of the Court, if so required, for the due prosecution of the appeal and the payment of all such costs as may become payable to the respondent in the event of the appeal being dismissed for non-prosecution or of His Majesty in Council ordering the appellant to pay the respondent's costs of the appeal; and

(*b*) upon such conditions, if any, as to the time or times within which the appellant shall take the necessary steps for the purpose of procuring the preparation of the record and the despatch thereof to the Privy Council as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

4. The Court shall have power, when admitting the appeal or granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the appeal, and, in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into sufficient security, to the satisfaction of the Court, for the due performance of such order as His Majesty in Council shall think fit to make thereon.

5. As soon as an appeal has been admitted, whether by an order of the Court or by an order of His Majesty in Council granting special leave to appeal, the appellant shall without delay take all necessary steps to have the record prepared forthwith.

6. The preparation of the record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the Court.

7. The Registrar as well as the parties shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal, and generally to reduce the bulk of the record as far as practicable.

8. Records in appeals to His Majesty in Council shall be printed in the form known as demy quarto and may be printed either in or out of England. The number of lines in each page shall be forty-seven or thereabouts and every tenth line shall be numbered in the margin.

Where the record is printed out of England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council forty printed copies of such record, one of which copies he shall certify to be correct by affixing thereto the seal of the Court

Where the record relates to an appeal from a Court out of England and is to be printed in England, or where the record relates to an appeal from the High Court in England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council one certified copy of such record, together with an index of all the papers and exhibits in the case.

9. Where there are two or more appeals arising out of the same matter the Court may direct the appeals to be consolidated.

10. An appellant may, at any time before the record is transmitted to the Privy Council, withdraw his appeal on such terms as to costs and otherwise as the Court may direct.

11. Where an appellant fails to show due diligence in the prosecution of his appeal before the transmission of the record to the Privy Council, the Court may, on an application made by the respondent, dismiss the appeal or make such order as to costs or otherwise as the Court shall think fit.

12. Where at any time before the hearing of the appeal the record becomes defective by reason of the death or change of status of a party to the appeal, the Court shall, on an application

made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted on the record in place of, or in addition to, the party who has died or undergone a change of status.

13. Where His Majesty in Council directs a party to bear the costs of an appeal incurred in the Court below, such costs shall be taxed by the proper officer of the Court in accordance with Order XIX., r. 2.

14. The Court shall enforce any order or judgment of His Majesty in Council in like manner as any judgment or order of the Court.

15. An appellant whose appeal has been admitted shall prosecute his appeal in accordance with the rules for the time being regulating the general practice and procedure in appeals to His Majesty in Council, so far as such rules may be applicable.

ORDER XLV.

Cases not provided for.

In all cases not provided for by these Rules, the practice of the late High Court of Admiralty of England in prize proceedings shall be followed, or such other practice as the President may direct.

ORDER XLVI.

Short Title and Commencement.

These Rules may be cited as The Prize Court Rules, 1914, and shall come into operation immediately on the making thereof(**a**); except that, so far as they apply to any Court in a British Possession outside the United Kingdom, they shall not come into operation until they are proclaimed in the Possession by the Governor thereof.

(**a**) These Rules were subsequently made in identical terms (in accordance with s. 1 of the Rules Publication Act, 1893 (56 & 57 Vict. c 66)), by Order in Council of September 17th, 1914, printed at p. 365 below.

APPENDIX A.

O. XLIII.

FORMS.

[Note.—*Every document issued from the Court or Registry must bear the Seal of the Court.*]

No. 1.

O. II. r. 2.

Heading and Titles of Causes.

(i.) *In Rem.*

19 . (*Here put number*).

In the High Court of Justice. Probate, Divorce, and Admiralty Division [*or other Court having prize jurisdiction*].

In Prize.

(*If the cause is instituted against a ship only, or against a ship and cargo, or against a ship, cargo, and freight, the title should be the name of the ship only and the name of her master:*)

The ;

(*or, if the cause is instituted against cargo only:*)

Cargo *ex* ;

(*or, if the cause is instituted against goods other than cargo:*)

Goods taken at ;

(*or, if the cause is instituted against the proceeds realised by the sale of ship or cargo or goods:*)

The proceeds of the ship ;

(*or*)

The proceeds of the cargo *ex* ;

(*or*)

The proceeds of the goods taken at .

(ii.) *In Personam.*

No.

[*Heading as above.*]

Between *A.B.*, plaintiff,
and
C.D. and *E.F.*, the owners of the ship
, defendants,
or
C.D. and *E.F.*, the owners of the cargo *ex*
ship , defendants.

No. 2.

O. II. r. 5.

Writ of Summons in a Cause (*General Form*).

(*Heading and Title as in* No. 1.)

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

To the owners and parties interested in the ship of the port of and the goods laden therein (*if the cause is instituted against the ship or cargo only, these words must be adapted accordingly*), (*if the cause is instituted against goods other than cargo, say,* To the owners and parties interested in the goods taken at hereinafter specified), seized and taken as prize by our ship of war , , Commander (*or* by our Officers of Customs at the port of *, as the case may be*).

We command you that within eight days after the service of this writ (*in a cause in personam add* on you), inclusive of the day of such service, you do cause appearances (*or* an appearance) to be entered for you in the Registry of our said Court in a cause instituted on our behalf by our Procurator General or other the proper officer of the Crown (*if the proceeding is against a droit of Admiralty, add* in Our Office of Admiralty) against the said ship and goods for the condemnation thereof as good and lawful prize (*if claimed as droit of Admiralty, add*, and as droits and perquisites of Us in Our Office of Admiralty).

And take notice that in default of your so doing our said Court (*or, in a cause in personam*, the plaintiff) may proceed therein and judgment may be given in your absence.

Witness, &c. (*in accordance with the form generally in use in the Court*)

Memorandum to be subscribed on the Writ.

N.B.—This writ is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

Appearance hereto may be entered either personally or by solicitor at the Admiralty Registry, Royal Courts of Justice, London (*or as the case may be*).

Indorsements to be made on the Writ before issue thereof.

This writ was issued by the said , who resides at , *or*, this writ was issued by of , whose address for service is , solicitor for the said , who resides at , *or*, this writ was issued by , of , whose address for service is , agent for , of , solicitor for the said , who resides at .

(*If writ is issued by an Officer of the Crown, state his name, title and address for service.*)

[*Note.—The address for service must be within three miles of the Registry.*]

Indorsement to be made on the writ after service thereof, and signed by the person serving the same.

This writ was served by me by (*state mode in which service was effected, whether on the ship, cargo or freight, or otherwise, according to Order II.; or, if in personam, state the name of the person served and the place of service*) on day, the day of , 19 .

Indorsed the day of , 19 .

(Signed)

(Address)

No. 3.

WRIT OF SUMMONS IN A CAUSE FOR CONDEMNATION WHERE THE SHIP OR GOODS HAVE BEEN DESTROYED OR LOST.

O. II. rr. 6, 13

(*Heading and Title as in* No. 1 (i).)

George the Fifth, &c. (*as in* No. 2).

To the owners and parties interested in the ship or vessel, &c. (*as in* No. 2), seized and taken as prize by our ship of war , Commander (*or* by Our Officers of Customs at the port of), the said ship and goods having been destroyed (*or* lost) (*state generally the circumstances of the destruction or loss*) (*if the goods have been removed and brought in for adjudication without the ship, add*, and the said goods having been removed from the said ship and being now in custody of our said Court).

We command you, &c. (*as in* No. 2).

(*Remainder of form, indorsements, &c., as in* No. 2.)

[Note.—*If ship or goods only have been destroyed or lost, the above form must be altered accordingly.*]

No. 4.

O. II. rr. 7, 14.

WRIT OF SUMMONS IN A CAUSE INSTITUTED AGAINST A CAPTOR.

(*Heading and Title as in* No. 1 (ii.).)

George the Fifth, &c. (*as in* No. 2).

To , Commander of our ship of war,

We command you that within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Registry of our said Court in an action at the suit of , a subject of (state nationality of petitioner), claiming restitution of the ship , taken and seized as prize by our said ship of war, and damages for her detention (*or* damages for the loss or destruction of the said ship).

And take notice, &c. (*as in* No. 2).

Witness, &c. (*as in* No. 2).

(*Indorsements, &c., as in* No. 2.)

No. 5.

O. II. rr. 8, 14.
O. XXX. r. 1.

WRIT OF SUMMONS IN PRIZE SALVAGE.

(*Heading and Title as in* No. 1 (ii).)

George the Fifth, &c. (*as in* No. 2).

To C.D., the owner (*or as the case may be*) of the ship,

We command you that within eight days after the service of this writ, inclusive of the day of such service, you do cause an appearance to be entered for you in the Admiralty Registry of our said Court in a cause of prize salvage instituted against you on behalf of .

And take notice, &c. (*as in* No. 2).

Witness, &c. (*as in* No. 2).

(*Indorsements, &c., as in* No. 2).

No. 6.

O. II. r. 9.
O. XXXII.
r. 1 (1).

WRIT OF SUMMONS IN JOINT CAPTURE OR RECAPTURE.

(*Heading and Title as in* No. 1 (ii).)

George the Fifth, &c. (*as in* No. 2).

To (*the persons originally claiming as captors or recaptors*).

We command you that within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Registry of our said Court in a cause of joint capture (*or* recapture) instituted against you on behalf of (*insert names of persons claiming, as, e.g.*, A.B., the Commander, and the crew of our ship of war) asserting a claim to be pronounced joint captors (*or* recaptors) with you of the said ship , and the goods, wares and merchandise laden on board of her (*or*, of the goods, wares and merchandise *ex* the said ship), and to share in the proceeds thereof (*or*, in the salvage payable in respect thereof).

And take notice, &c. (*as in* No. 2).

Witness, &c. (*as in* No. 2).

(*Indorsements, &c., as in* No. 2.)

No. 7.

Notice in Lieu of Service of a Writ out of the Jurisdiction.

O. II. r. 19. O. XXXV. r. 12.

(*Heading and Title as in* No. 1.)

To , of .

Take notice, that , of , has instituted a cause against you, in the (*here insert the name of the Prize Court*), by writ of that Court, dated the day of , A.D. 19 , for (*copy the words of the writ showing the object for which the cause is instituted*), and you are required within days after the receipt of this notice, inclusive of the day of such receipt, to cause an appearance to be entered for you in the Registry of the said Court to the said cause; and in default of your so doing the said Court may proceed therein and judgment may be given in your absence.

You may appear to the said writ by entering an appearance personally or by your solicitor at the (*here insert the Registry of the Court*).

(Signed) of , &c.,
or of &c.,
Solicitor for .

N.B.—This notice is to be used where the person to be served out of the jurisdiction is not a British subject, or the ship or goods are not the property of a British subject.

No. 8.

Entry of Appearance.

O. III. r. 1. O. XXX. O. XXXII r. 5.

(*Heading and Title as in* No. 1.)

Enter an appearance for , owner of the ship above-mentioned (*or as the case may be*).

Dated the day of , 19 .

(Signed) , of .
*Address for service .
Solicitor for the above-named , or agent for , of , Solicitor for the above-named, .

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[*] An address for service within three miles of the Registry must be given.

No. 9.

Claims in Causes for Condemnation.

O. III. r. 3.

(*Headings and Titles as in* No. 1.)

(i.) *Claim by Master.*

The claim of , the master of the , a subject of His Majesty the King of (*or* a citizen of , *as the case may be*), on behalf of (*fill in name of owner of ship*), of (*residence of owner*), also a subject of His Majesty the King of (*or as above*), the true, lawful, and sole owner of the said ship, her tackle, apparel, and furniture, at the time she was taken and seized as prize by His Majesty's ship , Commander, and brought into , (*and, if the ship owners are also owners of the cargo or of part thereof*) and of (*describe the cargo, giving numbers, weight, and description*) laden on board the said ship at the time of the capture thereof aforesaid (*and if claim is made on behalf of cargo owners*):

Also on behalf of , of , merchants, subjects (*or* citizens, &c., *as above*) of , the true, lawful, and sole owners of (*describe goods as above*), also laden on board the said ship at the time of the capture aforesaid (*and, if he has a private adventure*):

And also for his private adventure consisting of for the said ship, goods, and private adventure, as the true, lawful, sole, and entire property of (subjects *or* citizens), of as aforesaid, and for freight, demurrage, and all such loss, costs, charges, damages, and expenses, as have arisen and been incurred, or may arise and be incurred, by reason of the capture and detention aforesaid

(Signed) *C.D.*,
Claimant.

(ii.) *Claim by Agent.*

The claim of , of merchant (*or as the case may be*), on behalf of Messrs. and , of , merchants, the true, lawful, and sole owners of (*enumerate and describe goods*), which were laden and on board the said ship at the time of the capture thereof by His Majesty's ship , , Commander, and brought into ; for the said goods as the property of neutral subjects, and for all such costs, losses, damages, and expenses which have arisen, or shall or may arise, by reason of the capture and detention thereof as aforesaid.

(Signed) *C.D.*,
Claimant.

(iii.) *Claim by Managing Owner.*

The claim of , of , shipowner, on behalf of himself and others, as the true and lawful owners of the above-named ship , her tackle, apparel, and furniture, at the time she was taken and seized as prize by His Majesty's ship , , Commander, and brought into (*or*, at the time of her seizure by the officers of His Majesty's Customs at the port of), for the said ship and for all losses, costs, charges, damages, demurrage, and expenses which have arisen, or shall or may arise, by reason of the seizure and detention of the said ship as prize.

(Signed) *C.D.*,
Claimant.

(iv.) *Claim by Master and Sole Owner.*

The claim of , the master of the said ship , a subject of His Majesty the King of , for and on behalf of himself, the true, lawful, and sole owner of the said ship, her tackle, apparel, and furniture, at the time she was taken and seized as prize by His Majesty's ship , Commander, and brought into , (*or*, at the time she was taken and seized as prize whilst lying at the port of by the officers of His Majesty's Customs at that port); for the said ship and for freight, demurrage, and all such loss, costs, and charges, damages and expenses as have arisen and been incurred, or shall or may arise and be incurred by reason of the capture and detention aforesaid.

(Signed) *C.D.*,
Claimant.

(v.) *Claim by authority of Neutral Government.*

The claim of , of merchant, by authority of His Excellency the (Ambassador, Minister for Foreign Affairs, *or as the case may be*) of the (Emperor, King, &c., *as the case may be*) of on behalf of His Majesty the of , for the said ship whereof was master, her tackle, apparel, and furniture, and for all and singular the goods, wares, and merchandise laden on board the same, at the time when the said ship and cargo were taken and seized as prize whilst in the ports or roads of , or in waters within three miles of the coast of (*or wherever the capture took place*), of , by the , , Commander, and carried to , for the said ship and cargo, as having been seized within the territories and jurisdiction of His Majesty aforesaid, the of , and contrary to, and in violation of, the law of nations and of the rights and territories of the Crown of His Majesty aforesaid, the of , (and contrary to, and in violation of, existing treaties between His Britannic Majesty and His Majesty aforesaid, the of ,) and for all freight, losses, costs, charges, damages, demurrage, and expenses which have arisen, or shall or may arise, by reason of the capture and detention of the said ship and cargo.

(Signed) *C.D.*,
Claimant on behalf of the Government (*or as the case may be*)
of .

(vi.) *Claim for Droit of Admiralty on Seizure in Port.*

The claim of C.D., Admiralty Proctor (*or as the case may be*), on behalf of Our Sovereign Lord the King, in His office of Admiralty, for the said ship the , whereof was master, her tackle, apparel, and furniture, and any goods laden therein, seized and taken in port, in the United Kingdom (*or as the case may be*), by His Majesty's ship the , , Commander, and proceeded against in the (*here fill in the name of the Prize Court*), as prize to the said ship.

For the said ship the , her tackle, apparel, and furniture, and any goods laden therein, seized and taken as aforesaid, and as such or otherwise subject to confiscation as prize, and as droits and perquisites of His Majesty in His office of Admiralty; and for all costs, losses, damages, and expenses that have arisen, or shall or may arise, and be due in the premises.

(Signed) *C.D.*,
Claimant on behalf of the Admiralty.

(vii.) *Claim for Droit of Admiralty on Capture by Non-Commissioned Ship.*

The claim of C.D., Admiralty Proctor (*or as the case may be*), on behalf of Our Sovereign Lord the King, in His office of Admiralty, for the said ship, the Alpha, whereof was master, her tackle, apparel, and furniture, and any goods laden therein, seized and taken by the ship Beta, , Commander, and proceeded against as prize to the said ship, the Beta (*or* His Majesty, *as the case may be*).

For the said ship, the Alpha, her tackle, apparel, and furniture, and any goods laden therein, seized and taken as aforesaid by a ship other than a ship of war of His Majesty, and as such or otherwise subject to confiscation as prize, and as a droit and perquisite of His Majesty in His office of Admiralty.

(Signed) *C.D.*,
Claimant on behalf of the Admiralty.

Note.—Every claim must be indorsed by the claimant or his solicitor, with the grounds on which the claim is made, *as follows*:—

The grounds of the said claim are:—

1.
2.
3.

(*State grounds concisely and in general terms.*)

No. 10.

AFFIDAVIT OF SERVICE OF WRIT.

O. III. r. 5.
O. XV. r. 8.
O. XXX. r. 5

(*Heading and Title as in* No. 1.)

I (*name, address, and description of deponent*) make oath and say as follows:—

I did, on the day of , 19 , serve the writ (*or* notice of the writ)) herein by (*state mode of service, or, if in personam state name of person served and the place of service*) in accordance with the manner and form prescribed by the Rules of this Court.

(Signed)
Address.
or, Solicitor for

Sworn this day of , 19 , before me (*name and authority of person before whom the affidavit is sworn*).

No. 11.

O. IV. r. 7.

Affidavits as to Ship Papers.

(i.) *Ordinary Affidavit.*

(*Heading and Title as in Form* 49.)

The .

I, *A.B.*, a , in His Majesty's navy, and of His Majesty's ship , whereof is Commander, make oath and say as follows:—

1. The papers and writings hereunto annexed, and numbered from No. to No. inclusive, are all the ship papers which were delivered up or otherwise found on board the ship called the , whereof was master or Commander, and lately taken by His Majesty's said ship, at which capture I, the said deponent, was present.

2. The said papers and writings are brought in and delivered as they were received and taken, without fraud, addition, subduction, or embezzlement, and in the same condition (save the numbering thereof) as the same were delivered up or found on board the said ship.

(Signed) *A.B.*

Sworn by the said on the day of , 19 .

Before me (*name, rank and authority of person before whom the affidavit is sworn.*)

O. IV r. 7.

(ii.) *Where Ship Papers injured, altered, lost, mislaid, thrown overboard, found concealed, &c.*

(*Heading and commencement as in Form* (i.).)

1. The papers and writings hereunto annexed, and numbered from No. to No. inclusive, are all the ship papers which were delivered up and found on board the ship , whereof was master or Commander and lately taken by His Majesty's said ship, at which capture I, the said deponent, was present.

2. By order of the said , I took charge of the captured ship to bring her in for adjudication.

3. After I so took charge (*set out the facts as they occurred*).

(*Where ship papers lost, mislaid, or thrown overboard, describe as accurately as possible each such document.*)

4. Save as aforesaid, the said papers and writings are brought in and delivered as they were received and taken, without any fraud, addition, subduction, or embezzlement, and in the same condition as received (save the numbering thereof).

Sworn, &c.

(Signed) *A.B.*

[Note.—This form must be adapted in accordance with the facts.]

(iii.) *Where no Ship Papers delivered up or found.*

O. IV. r. 7.

(*Heading and commencement as in Form* (i.).)

1. I was present at the capture of the said ship whereof was master or Commander, and lately taken by His Majesty's said ship.

2. No ship papers of any sort were delivered up or found on board the said ship or elsewhere at the time of the seizure or afterwards.

3. (*If anything has occurred to account for the absence of papers state the facts.*)

Sworn, &c.

(Signed) *A.B.*

(iv.) *By Person having control of Ship Papers within the Jurisdiction.*

O. IV. r. 4.

(*Heading as in Form* (i.).)

I, *A.B.*, merchant, of , make oath and say as follows:—

1. I am agent in this country for the owners of the said ship ; and consignee of her cargo.

2. The said ship arrived in the port of on the day of , , in the ordinary course of her voyage,

and was about to discharge her cargo when she was seized as prize by the officers of His Majesty's Customs in the said port.

3. Prior to such seizure the several papers and writings set out below were delivered to me in the ordinary course as agent aforesaid, to enable me to enter the said ship and procure the discharge of her cargo.

4. The papers and writings hereto annexed and numbered from No. to No. , inclusive, are all the ship papers which were so delivered to me, or came into my possession or control, and are brought in and delivered as they were received and taken, without any fraud, addition, subduction, or embezzlement, and in the same condition (save the numbering thereof) as received.

Sworn, &c.

(Signed) *A.B.*

No. 12.

NOTICE OF DISCONTINUANCE. O. VI.

(*Heading and Title as in* No. 1.)

Take notice, that this cause is hereby discontinued (*or, if not against all the parties appearing,* as against the claimant , *or as the case may be*). (*If the discontinuance is as to part only of the subject-matter of the cause,* so far as it relates to .)

(*If by a claimant,* that the claimant hereby discontinues his claim in this cause (*or,* as against, &c., *or,* so far as it relates to, &c., *as above*).)

Dated this day of , 19 .

(Signed) *G.H.*, of ,
or Solicitor for the

No. 13.

PLEADINGS (*a*).

(i.) PLEADINGS IN PROCEEDINGS FOR CONDEMNATION. O. VII.

Petition.

(*Heading and Title as in* No. 1.)

Writ issued 19 .

Petition.

J.K., solicitor for the claimants *C.D.* and *E.F.*, says as follows:—

1. The owners of the above-named ship are *C.D.* and *E.F.* The said *C.D.* resides at and is a subject of . The said *E.F.* resides at and is a subject of .

2. On the day of , the said *C.D.* purchased the said ship from *G.H.*, of , a subject of , who assigned the said ship to the said *C.D.*, by bill of sale dated the day of .

3. Prior to such assignment, the said ship was named the , and immediately thereafter the said *C.D.* changed the name of the said ship to that of the , and such change of name was duly entered at .

4. Immediately after such purchase and assignment, the said *C.D.*, by bill of sale dated the day of , assigned shares in the said ship to the said *E.F.*, and on the day of ,

---

(*a*) *Note.*—These pleadings are given as examples only, and the forms should be adapted to the facts of each particular case.

the said ship was duly registered in the names of the said *C.D.* and *E.F.* at , and a certificate of registry, dated the day of , was issued by , whereby it appears that the said *C.D.* and *E.F.* are the owners of the said ship, and they were at the time of such registration, and still are, the owners thereof.

5. On the day of , the said ship loaded at a cargo of , and subsequently sailed therewith on a voyage from aforesaid bound to .

6. The said cargo consisted of (*describe the cargo, giving numbers, weight, &c.*), and was on the account and risk of , who are merchants carrying on business at , and are subjects of , and upon the account and risk of no other person whatsoever.

7. Whilst upon the voyage aforesaid, the said ship was taken as prize by , and although all the ship papers relating to the said ship and the said cargo were shown to the captors, she was brought into the port of for adjudication.

8. There were at the time of such capture no contraband goods on board the said ship, and no subject of (*insert the name of Government at war with Great Britain*) or enemy of Great Britain had at the time of such capture, or at any other time material to the matters in this cause, any share, right, title, or interest in the said ship or cargo, or any part thereof.

9. There was no just ground for the capture and bringing in of the said ship.

The said *J.K.* prays that the Judge will decree restitution of the said ship to the said *C.D.* and *E.F.*, with damages and costs.

[*Or, if bail has been given*, that the Judge will pronounce that the bail given on behalf of the said claimants to answer the value of the said ship (and goods) may be released and discharged, and that the said (*insert names of captors*) may be condemned in the damages and costs sustained by and occasioned to the said claimants by reason of such capture, and bringing in.]

(Signed) *W.X.*,
Counsel (*or Party*).

Delivered this day of .

Answer.

(*Heading and Title as in* No. 1.)

Answer.

G.H., solicitor for the commander, officers, and crew of His Majesty's ship , the captors of the said ship , in answer to the petition of the claimants, says as follows:—

1. The said ship and her cargo were taken as prize and brought in for adjudication by the captors under the circumstances herein-after described.

2. On the day of , His Majesty's ship was cruising off , when the said ship came into sight and was signalled and duly boarded by a boat from the , and the ship papers and documents and the cargo of the were duly inspected and examined.

3. Upon one of the bulkheads, and on one of the boats of the said ship , was found a name (the), which was not the present name of the ship, and the name of the port of , which is in enemy territory, and upon inquiry of the master of the said ship, it appeared that the said ship immediately prior to the purchase by her present owners and to the existing war, had been owned by , a firm carrying on business at the said port of , in enemy territory, and that the said master had been in command of the said ship whilst she belonged to the said firm.

4. On receiving such information, the captors brought in the said ship for adjudication upon the suspicion that the sale and transfer of the said ship to the present alleged owners was not *boná fide*, and that she still belonged to her former enemy owners.

5. The transfer and assignment of the said shares in the said ship by *C.D.* to the claimant *E.F.* in the petition alleged took place as therein alleged, but at the time of such transfer the said *C.D.* was a member of the said firm of , carrying on business as aforesaid, and the transfer and assignment of the said shares was made and executed by the said *C.D.* as agent of the said firm, and was a mere colourable and fraudulent transfer to cover the enemy character of the said ship, and the said ship at the time of capture remained the property, and was navigated for the account and at the risk of the said firm of , and was in fact enemy property.

(*If the cargo or any part thereof was enemy property, allege it, stating the alleged ownership thereof; or if the cargo or any part thereof was contraband, allege it.*)

6. Save as aforesaid the respondents deny all and every the allegations in the petition contained.

And the said *G.H.* prays the Judge to pronounce that the said ship (and her cargo) were at the time of capture property of enemies of the Crown of Great Britain, or otherwise liable to condemnation, and to condemn the same as lawful prize to the captors, or to pronounce for just cause of capture.

(Signed) *Y.Z.*,
Counsel (*or Party*).

Delivered this day of .

(ii.) Pleadings in Prize Salvage.

O. VII.
O. XXX.
Naval Prize Act, 1864, sect. 40.

Petition alleging Special Difficulty or Danger.

(*Heading and Title as in* No. 1.)

Writ issued , 19 .

Petition.

G.H., solicitor for *A.B.*, commander, and the officers and crew of His Majesty's ship , the recaptors of the above-named ship, the plaintiffs (*or as the case may be*), says as follows:—

1. The recaptors are the commander, officers and crew of His Majesty's ship , which is a cruiser of the second class (*or as the case may be*) armed with , and carrying a crew of hands all told, and fitted with engines of horse-power effective.

2. On the day of , at about 11 a.m., His Majesty's said ship was proceeding from to in pursuance of her instructions to cruise off the coast of and to assist and protect British vessels whilst passing such coast. At such time as aforesaid it was blowing a heavy gale from the and the weather showed no signs of improvement.

3. Whilst proceeding as aforesaid, those on board the sighted a steamship, appearing to be a British mail steamer, steaming to the on about an opposite course to the . Signals were at once made to the said steamship, which proved to be the of but no answer was made, and although a gun was fired, the altered her course and proceeded in towards the coast of , apparently making for the port of in enemy's territory.

4. The recaptors having thereon reason to believe that the was in possession of the enemy, immediately altered the course of the and chased the , gradually gaining upon her.

5. After hours' chase the and the had come within 10 miles of the coast of , and the was about half-a-mile astern of the said . At this time it was seen than an enemy war ship was coming out of the said port of , and thereupon extra steam was raised on the and she succeeded in getting between the said and the entrance to the said port, and forced her to alter her course to seaward.

6. The said enemy war ship, which proved to be the of guns, and to be carrying a crew of hands, came on, and with the assistance of some torpedo boats which were following her engaged the , but after a fierce engagement, lasting about half-an-hour, the said enemy war ship was beaten off and returned to the port of with the torpedo boats, whereupon the said surrendered to the recaptors, and the prize crew in charge of her having been taken on board the , and a prize crew from the having been put on board the , the two vessels in company proceeded towards and the was brought in safety into , where she now lies.

7. At the time of the said engagement, His Majesty's said ship was close to the island of , and owing to the gale and the dangerous nature of the coast she ran great risk of being driven on the rocks in manœuvring during the said engagement, and the lives of the recaptors were thereby exposed to great risk and danger. In the said engagement the had men killed and men wounded, including officers.

8. By reason of the premises the and her cargo were saved from condemnation as prize to the enemy under circumstances of special difficulty and danger.

The said *G.H.* prays the Judge to award to the recaptors one-fourth of the value of the said and her cargo, or such other sum as to the Judge shall seem just, and costs.

(Signed) *W.X.*,
Counsel (*or Party*).

Delivered this day of .

Answer.

(*Heading and Title as in No. 1.*)

Answer.

J.K., solicitor for *C.D.*, the owner (and claimant) of the said ship, and *E.F.*, owner of the cargo thereof, defendants (*or as the case may be*), in answer to the petition of the recaptors says as follows:—

1. The defendants (*or as the case may be*) admit that the said ship and her cargo were recaptured from the enemy by the recaptors, but deny that the recapture thereof was made under circumstances of special danger or difficulty entitling the recaptors to a larger part of the value of the said ship and cargo than one-eighth part.

2. The defendants (*or as the case may be*) do not admit that His Majesty's said ship was at the time of such recapture engaged in protecting British ships as alleged. At the said time, His Majesty's said ship was engaged, in conjunction with other vessels, in watching the said port of and in endeavouring to intercept and capture the said enemy's ship of war the , and for such purpose was endeavouring to entice her out of the said port and bring about an engagement with her, and the fact that the said mail steamer the made for such port in fact brought about the engagement so wished for and intended, and such engagement was not brought about and did not happen merely for the purpose of the recapture of the said ship, but took place in the ordinary course of duty and under the express instructions given to His Majesty's said ship.

The said *J.K.* prays the Judge to pronounce that the recaptors are entitled to one-eighth of the value of the said ship and her cargo, and no more, and to condemn the recaptors in the costs of and occasioned by their claim for a larger sum.

(Signed) *Y.Z.*,
Counsel (*or Party*).

Delivered this day of .

(iii.) PLEADINGS IN JOINT CAPTURE OR RECAPTURE.

O. VII.
O. XXX. r. 2.
Naval Prize Act, 1864, sect. 36.

Petition.

(*Heading and Title as in* No. 1.)

Writ issued 19 .

Petition.

J.K., solicitor for the plaintiffs (*or as the case may be*), says as follows:—

1. The plaintiffs (*or as the case may be*) are the commander, officers, and crew of His Majesty's ship .

2. On the day of , His Majesty's said ship sailed in company with and under the order of His Majesty's ship , and under such order and in such company was cruising off the coast of (*or describe position at the time*).

3. About (*state hour*) on the said day, a steamship was sighted bearing about , and signals were made by His Majesty's ship to chase, and His Majesty's said ships both steamed after the said steamship.

(*Set out in separate paragraphs the circumstances founding a right of joint capture or joint recapture, commencing by adapting the above paragraphs to the facts of the case, and conclude:*)

And the said *J.K.* prays that the Judge will pronounce that His Majesty's said ship is a joint captor (or recaptor) of the said ship (and her cargo), and as such entitled to share therein.

Delivered this day of .

(Signed) *W.X.*,
Counsel (*or Party*).

Answer.

(*Heading and Title as in* No. 1.)

Answer.

G.H., solicitor for the defendants (*or as the case may be*), in answer to the petition of the plaintiff (*or as the case may be*), says as follows:—

1. The defendants (*or as the case may be*) are the commander, officers, and crew of His Majesty's (*or* the) ship .

2. About 7 a.m. (*set out in short paragraphs the facts upon which the defendants* (or as the case may be) *rely to show that they were the sole captors*).

3. The defendants (*or as the case may be*) deny that the plaintiffs (*or as the case may be*) were in sight at the time of the said capture (*or* recapture) (*or*, assisted in making the said capture [*or* recapture], *or as the case may be*).

And the said *G.H.* prays that the Judge will pronounce that the prize was taken solely by the (*defendants' ship*) and that the (*plaintiffs' ship*) was not aiding, (*or* that the (*plaintiffs' ship*) was not present, or in sight of) or adding to the encouragement of the said capture (*or* recapture) or the terror of the enemy, and was not acting in concert with the (*defendants' ship*) in the said chase, or assisting in the said capture (*or* recapture).

(Signed) *Y.Z.*,
Counsel (*or Party*).

Delivered this day of .

Admission.

(*Heading and Title as in* No. 1.)

Admission.

I, *G.H.*, solicitor for the defendants (*or as the case may be*) in the above cause, admit that His Majesty's ship , and the commander, officers, and crew thereof (*or such persons as may be entitled*) are entitled to share as joint captors (*or* recaptors) in the ship (and her cargo).

Dated this day of .

(Signed) *G.H.*,
Solicitor.

O. VII.
O. XVII.
r. 10.

(iv.) PETITION IN OBJECTION TO REGISTRAR'S REPORT.

(*Heading and Title as in* No. 1.)

, solicitors for the , in objection to the Registrar's Report, filed in this action on the , 19 , say as follows:—

1.
2.
3.

Set out separately and concisely the objections to the Report and the grounds thereof.

Wherefore the pray this Honourable Court to vary the Report by (*set out as shortly as possible the variation required*) and to condemn the in the costs of this appeal or to make such other or further order as to the Court may seem fit.

(Signed by Counsel *or Party.*)

Filed and delivered this day of , 19 , by (*name and address of solicitors and agents, if any*) 's solicitors.

ANSWER TO PETITION IN OBJECTION TO THE REGISTRAR'S REPORT.

(*Heading and Title as in* No. 1.)

, solicitors for the , say as follows:—

1.
2.
3.

State briefly the reason why each ground of objection in the petition is inadequate.

Wherefore the pray this Honourable Court to confirm the said Report and to condemn the in the costs of and incident to their objections to the said Report and that further and otherwise right and justice may be administered to the premises.

(Signed by Counsel *or Party.*)

Filed and delivered, &c.

O. VIII.

No. 14.

ORDER FOR PARTICULARS.

(*Heading and Title as in* No. 1.)

Upon hearing and upon reading the affidavit of , filed the day of , 19 , and

It is ordered that the deliver to the (*state name of parties affected*) an account in writing of the particulars of (*state matters of which particulars are required*) alleged in (*specify the pleading or other document in which the allegations are contained*) in this cause, and that, unless such particulars be delivered within days from the date of this order, all further proceedings be stayed until the delivery thereof (*or* the said allegations be struck out, *or upon such other terms as the Court shall think fit*), and that the costs of this application be .

Dated the day of , 19 .

O. VIII.

No. 15.

PARTICULARS.

(*Heading and Title as in* No. 1.)

The following are the particulars of the allegations contained in the (*pleading or other document*) herein, delivered pursuant to the order of the Court dated the day of , 19 .

1.
2.
3.
Dated this day of , 19 .
(Signed) .
or Solicitor for .

To .

No. 16.

Affidavit of Discovery. O. IX. r. 2.

(*Heading and Title as in No.* 1.)

I, *A.B.*, the (plaintiff, claimant, *or as the case may be*), make oath and say as follows:—

1. I have in my possession or power the documents relating to the matters in question in this cause, set forth in the first and second parts of the first schedule hereto.

2. I object to produce the documents set forth in the second part of the said first schedule on the ground that [*state grounds of objection and verify the facts as far as may be*].

3. I have had, but have not now, in my possession or power the documents relating to the matters in question in this cause set forth in the second schedule hereto.

4. The last-mentioned documents were last in my possession or power on [*state what has become of the last-mentioned documents and in whose possession they now are.*]

6. According to the best of my knowledge, information, and belief I have not now, and never had, in my possession, custody, or power, or in the possession, custody, or power of my solicitor or agent, or of any other person or persons on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this cause, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the said first and second schedules hereto.

SCHEDULE No. I.

PART 1.

[*Set out documents.*]

PART 2.

[*Set out documents.*]

SCHEDULE No. II.

[*Set out documents.*]

Sworn, &c

(Signed) *A.B.*

No. 17.

Notice to Produce for Inspection or Transcription. O. IX. r. 3.

(*Heading and Title as in* No. 1.)

Take notice that the (plaintiff, claimant, *or as the case may be*) requires you to produce for his inspection (*or*, for transcription by him), on or before the day of , the following documents:—

[*Here briefly describe the documents required to be produced.*]

Dated this day of .

(Signed) *G.H.*,
Solicitor for the plaintiff (*or as the case may be*).

To *C.D.* (*or J.K.*, solicitor for the) defendant (*or as the case may be*).

No. 18.

O. IX. r. 5

NOTICE TO PRODUCE AT HEARING OR ON EXAMINATION OF WITNESSES.

(*Heading and Title as in* No. 1.)

Take notice that you are hereby required to produce and show to the Court at the hearing of (*or* at the examination of , witnesses in) this cause all books, papers, letters, copies of letters, and other writings and documents in your custody, possession or power, containing any entry, memorandum or minute relating to the matters in question in this cause, and particularly (*specify or describe documents particularly required*).

Dated the day of , 19 .

(Signed) .
or solicitor for .

To .

No. 19.

O. IX. r. 7.

NOTICE TO ADMIT.

(i.) *Documents.*

(*Heading and Title as in* No. 1.)

Take notice that the plaintiff *A.B.* (*or as the case may be*) in this cause proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant (*or as the case may be*) his solicitor or agent at , on , between the hours of and ; and the defendant is hereby required within 48 hours (*or insert such longer time as may be reasonable under the circumstances*) from the last-mentioned hour, to admit that such of the said documents as are specified to be originals were respectively written, signed, or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent, or delivered, were so served, sent or delivered respectively; saving all just exceptions to the admissibility of all such documents as evidence in this cause.

Dated this day of .

(Signed) *G.H.*,
Solicitor for the plaintiff (*or as the case may be*).

To *C.D.* (*or J.K.*, solicitor for the) defendant (*or as the case may be*).

Originals.

Description of Documents.	Dates.
(*Here briefly describe documents.*) 1. 2.	(*Here state date of each document.*)

Copies.

Description of Documents.	Dates.	Time and mode of Service, Delivery, &c.
1.		*Sent by general post January* 1, 19 .
2.		*Served January 5th*, 19 , *on defendant's solicitor by F.G., of*

(ii.) *Facts.*

(*Heading and Title as in* No. 1.)

Take notice that the plaintiff, *A.B.* (*or as the case may be*), in this cause requires the defendant (*or as the case may be*) to admit, for the purposes of this cause only, the several facts respectively hereunder specified; and the defendant (*or as the case may be*) is hereby required within four days (*or such longer time as may be reasonable under the circumstances*) from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this cause.

Dated this day of .

G.H.,
Solicitor for the plaintiff
(*or as the case may be*).

To *C.D.* (*or J.K.*, solicitor for the), defendant (*or as the case may be*).

The facts, the admission of which is required, are:—

1. That
2. That
3. That

No. 20.

ADMISSION OF FACTS PURSUANT TO NOTICE. O. IX. r. 7.

(*Heading and Title as in* No. 1.)

The defendant (*or as the case may be*) in this cause for the purposes of this cause only, hereby admits the several facts respectively hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of such facts, or any of them, as evidence in this cause.

Provided that this admission is made for the purposes of this cause only and is not an admission to be used against the defendant (*or as the case may be*) on any other occasion, or by anyone other than the plaintiff (*or whoever requires the admission*).

Delivered this day of .

(Signed) *J.K.*,
Solicitor for the defendant
(*or as the case may be*).

To *A.B.* (*or G.H.*, solicitor for the), plaintiff
(*or as the case may be*).

Facts admitted.	Qualifications or Limitations, if any, subject to which they are admitted.
1. That, &c.	
2. That, &c.	
3.	3. But not that, &c.
4.	4. But not that, &c.
5.	

No 21.

WARRANT OF ARREST. O. X. r. 3.

(*Heading and Title as in* No. 1.)

George the Fifth, &c. (*as in* No. 2).

To the Marshal of the (*here fill in the name of the Prize Court*).

We hereby command you to arrest the ship of the port of and the freight due for the transportation of the cargo now or lately laden therein (*or, if both ship and cargo to be arrested*, and the cargo now or lately laden therein, together with the freight due for the transportation thereof), and to keep the same under safe arrest until you shall receive further orders from Us.

Witness, &c. (*as in* No. 2).

Taken out by .

No. 22.

O X. r. 4.

AFFIDAVIT TO LEAD WARRANT OF ARREST.

(*Heading and Title as in* No. 1.)

I, , make oath and say as follows:—

1. I am the owner of sixty-fourth shares (*or* master, *or as the case may be*) of the ship , (*or* cargo, &c.) (*or* I am the commander of His Majesty's ship , *or whatever rank, title, or position is held by the deponent*).

2. The said ship has been taken as prize and brought into (*or* seized and is now in) the port of within the jurisdiction of this Court, but has not been delivered up to the Marshal of this Court.

3. (*State circumstances, if any, showing probability of ship not remaining within the jurisdiction.*)

4. The aid and process (*or* I am informed and believe that the aid and process) of this Court are required to restrain the said ship from proceeding out of the jurisdiction of this Court (*or* to enable me to enforce my said claim *or* to obtain restitution of the said ship, *or as the case may be*).

Sworn, &c.

(Signed) .

No. 23.

O. XI. r. 2.

COMMISSION OF APPRAISEMENT AND SALE.

(*Heading and Title as in* No. 1.)

George the Fifth, &c. (*as in* No. 2).

To the Marshal of the (*here fill in the name of the Prize Court*), Greeting.

Whereas in a cause for instituted in Our said Court on behalf of (*if in personam, add* against).

The Judge has ordered the said (*state whether* ship, cargo *or* part of cargo, *as the case may be*) to be appraised and sold. We therefore hereby authorize and command you to reduce into writing an inventory of the said (ship, *&c., as above*) and, having chosen one or more experienced person or persons, to swear him or them to appraise the same according to the true value thereof, and, upon a certificate of such value having been reduced into writing, to cause the said (ship, *&c., as above*) to be sold by public auction for the highest price, not under the appraised value thereof, that can be obtained for the same. And we further command you, immediately upon the sale being completed, to pay the proceeds arising therefrom into Court, and to file the certificate of appraisement signed by you and the appraiser or appraisers, and an account of the sale signed by you, together with this Commission.

Witness, &c. (*as in* No. 2).

Commission of appraisement and sale,

Taken out by .

(*Where appraisement or sale only is ordered the words not required in the above form must be omitted.*)

(*Where the order is for removal, survey, safe custody, or otherwise, the above form must be adapted accordingly.*)

No. 24.

CERTIFICATE OF APPRAISEMENT.

O. XI. r.

(*Heading and Title as in* No. 1.)

I, , Marshal of the (*here fill in the name of the Prize Court*), do certify that, by virtue of a Commission of dated the day of , 19 , and issued in this cause, I have chosen of and of who are (*or* who, I am informed and believe, are) two experienced persons and have sworn them to appraise the (ship, cargo, part of cargo, *&c., as the case may be*) according to the true value thereof.

And we the said and whose names are hereunto subscribed, do certify that by virtue of our said oaths, we have faithfully and justly appraised the said (ship, *&c., as above*) at the sum of .

In witness whereof we have hereunto respectively set our hands this day of , 19 .

(Signatures of Marshal and
Appraisers.)

(*Where there are more or less than two appraisers the above form must be altered accordingly.*)

No. 25.

BILLS OF SALE BY MARSHAL.

O. XI. r. 2.

(i.) *Of Foreign Ship.*

Know all men by these presents that I, Marshal of the (*here fill in the name of the Prize Court*), in obedience to and by virtue of a Commission to me directed under the seal of the said Court, bearing date the , and for and in consideration of the sum of pounds of lawful money of Great Britain (*or as the case may be*) to me in hand at or before the ensealing and delivery of these presents well and truly paid, the same being the highest sum which was bid by at a public auction held on the day of one thousand , and the receipt of which sum I do hereby acknowledge, have granted, bargained, sold, assigned, and set over, unto the said executors, administrators, and assigns, the entirety of the foreign ship called the , together with the appurtenances thereto belonging as specified in the inventory herewith, now lying : To have and hold the said foreign ship called the and the said appurtenances unto the said executors, administrators, and assigns, to , their own use and uses, and as their own proper goods and chattels, from henceforth for ever. And I, the said , Marshal of the said Court, do hereby covenant, promise, and agree, to and with the said executors, administrators, and assigns in manner following; that is to say, that at the time of ensealing and delivery hereof, I have, in and by the Commission aforesaid, good right, full power, and lawful authority to grant, bargain, sell, assign, and set over the hereby-bargained premises unto the said executors, administrators, and assigns, in manner and form aforesaid. And that the said hereby-bargained premises, and every part thereof, now are and so from henceforth for ever shall be, remain and continue unto the said executors, administrators, and assigns.

In witness whereof I have hereunto set my hand and seal this day of , in the year of our Lord one thousand .

Marshal.

Signed, sealed, and delivered by the said in the presence of .

(ii.) *Of British Ship.*

Know all men by these presents that I, Marshal of the (*here fill in the name of the Prize Court*), in obedience to and by virtue of a Commission to me directed under the seal of the said Court, bearing date the day of , and for and in consideration of the sum of pounds of lawful money of Great Britain (*or as the case may be*), to me in hand at or before the ensealing and delivery of these presents well and truly paid, the same being the highest sum which was bid by at a public auction held on the day of one thousand , and the receipt of which sum I do hereby acknowledge, have granted, bargained, sold, assigned, and set over, and by these presents do fully, freely, and absolutely grant, bargain, sell, assign, and set over unto the said executors, administrators, and assigns, sixty-four sixty-fourth parts or shares, being the entirety of the ship called the now lying , together with the appurtenances thereto belonging as specified in the inventory herewith, which said ship is more particularly mentioned and described as follows—

Official No.	Name of Ship.	Number, Date, and Port of Registry.

Number, Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.

			Feet.	Tenths.
Number of decks Number of Masts	Head ... ... Framework and description of vessel... ...	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern-post ...		
Rigged ... ... Stern	Number of bulkheads... ...	Length at quarter of depth from top of weather deck at side amidships to bottom of keel		
Build	Number of water ballast tanks, and their capacity in tons ...	Main breadth to outside of plank		
Galleries ...		Depth in hold from tonnage deck to ceiling at midships		
		Depth in hold from upper deck to ceiling at midships in the case of three decks and upwards		
		Depth from top of beam amidships to top of keel		
		Depth from top of deck at side amidships to bottom of keel		
		Round of beam		
		Length of engine room, if any		

PARTICULARS OF DISPLACEMENT.

Total to quarter the depth from weather deck at side amidships to bottom of keel tons.

Ditto per inch immersion at same depth tons.

PARTICULARS OF ENGINES (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	No. of and Diameter of Cylinders.	Length of Stroke.	N.H.P., I.H.P., Speed of Ship.
	Engines.		Engines.	Engines.			
	Boilers. Number ... Iron or steel Pressure when loaded ...		Boilers.	Boilers.			

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under tonnage deck Closed-in spaces above the tonnage deck, if any :— Space or spaces between deck... Poop ... ... Forecastle ... Round house ... Other closed-in spaces for machinery, light and air, if any		On account of space required for propelling power ... ... On account of spaces occupied by seamen or apprentices, and appropriated to their use, and certified under the statutory regulations. These spaces are the following, viz. :— On account of space used exclusively for accommodation of master for working of the helm, the capstan and the anchor gear or for keeping the charts, signals, and other instruments of navigation and boatswain's stores and for space occupied by donkey engine and boiler, and in case of sailing ships for space used for storage of sails. Cubic metres.	
Gross tonnage ... Deductions as per contra			
Registered tonnage		Total deductions ...	

To have and hold the said ship and the said appurtenances unto the said , executors, administrators, and assigns, to , their own use and uses, and as their own proper goods and chattels, from henceforth for ever. And I, the said Marshal of the said Court do hereby covenant, promise, and agree, to and with the said executors, administrators, and assigns, in manner following; that is to say that at the time of ensealing and delivery hereof, I have, in and by the Commission aforesaid, good right, full power, and lawful authority to grant, bargain, sell, assign, and set over the said hereby-bargained premises unto the said executors, administrators, and assigns, in manner and form aforesaid. And that the said hereby-bargained premises, and every part thereof, now are and so from henceforth for ever shall be, remain and continue unto the said executors, administrators, and assigns

In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord one thousand .

Marshal.

Signed, sealed, and delivered by the said , in the presence of .

[*Note.—In the above Forms of bills of sale the spaces left blank for the insertion of the names of the buyer or buyers should be filled in with such names in full, followed by the word* "his," "her," *or* "their" (executors, &c.) *as the case may be.*]

O. XI. r. 3.

No. 26.

Contract for Sale.

By virtue of a Commission of Sale from the (*here fill in the name of the Prize Court*), the ship called the now lying in .

Particulars of which ship's registry are as follows, viz.:—(*Set out particulars exactly as in Bill of Sale*, No. 25, (ii.), *supra.*)

Is exposed to Sale on the Conditions following:—

I.—The buyer is to sign the agreement to purchase and to take the said ship, her tackle, apparel, furniture and stores including machinery and appurtenances, with all faults, in the condition in which they lie, without any allowance or abatement for weights, lengths, qualities, quantities, errors of description, or any defects or injuries whatsoever, and neither the age, tonnage, description of the ship, nor the description of the machinery, appurtenances, and stores, as expressed in the inventories or printed particulars, are warranted.

II.—The buyer is immediately to pay to , the Marshal, or to his substitute, one part of the purchase-money and the remainder thereof within days in cash, to the said Marshal, and upon such payment of the remainder of the purchase-money he will be put into possession of the said ship, her tackle, apparel and furniture, including machinery and appurtenances as afore-mentioned. But in case of non-payment of the remainder of the purchase-money, within such time, the deposit aforesaid of one part shall be and is hereby declared to be forfeited, and the said ship, her tackle, apparel and furniture, including machinery and appurtenances, may again be exposed to, and sold at public or private sale, and the deficiency, if any, by such re-sale, shall be made good by the defaulter at this sale, together with the expenses attending such re-sale; and neither the Honourable the Judge, the Marshal, any other officer of the said Court, nor the auctioneers, shall be sued, at law, for the said money paid in part, and forfeited as aforesaid: but the buyer so neglecting shall be liable for all loss, costs and damages, which may arise thereby.

III.—If delivery of the property to an agent is required, such agent must produce the buyer's written authority to that effect, duly signed, and addressed to the Marshal.

IV.—In order to prevent detention of the ship for non-payment of dock or other dues, the buyer must give three days' notice to the Marshal, or auctioneers, of the day on which he will complete the purchase.

V.—The buyer (if he requires it) may have the Marshal's bill of sale for the said ship.

VI.—The ship will be at the risk of the buyer immediately after he receives an order for the delivery thereof.

Lastly.—If any question arises at the auction as to who is the buyer of the said ship, the Marshal, or his aforesaid substitute, is to determine the same. Not less than pounds (*or* dollars, *or as the case may be*), to be advanced at each bidding.

I do hereby acknowledge to have bought the aforesaid vessel, her tackle, apparel, and appurtenances, under the above conditions at the sum of and have paid the sum of in part of the purchase money.

Witness my hand this day of , one thousand, nine hundred and .

Witness .

No. 27.

Marshal's Accounts.

O. XI. r. 5.

(*Heading and Title as in* No. 1.)

The Marshal's account sales of the ship lying sold by public auction at , on the day of 19 , by virtue of the annexed Commission of appraisement and sale, dated the day of , 19 :—

Received of being the Gross Proceeds of Sale				
Disbursements (as on p. 2). Official Fees as on p. 3).	Disbursements and Fees on Appraisement and Sale.	Other Disbursements and Fees.	Total.	

, 19 .

(Signed)

Marshal (*or as the case may be*).

P. 2.

	No. of Voucher.	DISBURSEMENTS.					
		On Appraisement and Sale.			Other Payments.		
Disbursements carried to 1st page.							

P. 3.

—	FEES.					
	On Appraisement and Sale.			Other Fees.		
On Request of Payment of Proceeds into Court						
On Order for Payment of this Account						
On Attending, Appointing and Swearing appraiser						
On Attending Sale of Ship ...						
Poundage on Gross Proceeds ...						
On Attending and Delivering Possession to Purchaser						
Possession of Ship from the day of , days at per day						
Fees carried to 1st page ...						

No. 28.

O. XII. r. 1.

BAIL BOND.

(*Heading and Title as in* No. 1.)

Whereas a cause of has been instituted in the (*here fill in the name of the Prize Court*), on behalf of , against the ship and her cargo (and against intervening).

Now therefore we, and , hereby jointly and severally submit ourselves to the jurisdiction of the said Court, and consent that if he the said shall not pay what may be adjudged against him in the said cause with costs (*or, if for costs only*, for costs), execution may issue forth against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding pounds.

(*Signatures of Sureties.*)

This bail bond was signed by the said and , the sureties,
this day of .

Before me,
(To be signed before the Registrar, or one of the clerks in the Registry, or before a Commissioner for Oaths.)

No 29.

AFFIDAVIT OF JUSTIFICATION.

O. XII. r. 1.

(*Heading and Title as in* No. 1.)

I (*state name, address, and description*), one of the proposed sureties for (*state name, address, and description of person for whom bail is to be given*) make oath and say that I am worth more than the sum of (*state in letters the sum in which bail is to be given*) after the payment of all my debts.

Sworn, &c.

(*Signature of Surety.*)

No. 30.

NOTICE OF BAIL.

O. XII. r. 2.

(*Heading and Title as in* No. 1.)

Take notice that , solicitor for , tenders the under-mentioned persons as bail on behalf of (*state name, address, and description of the party for whom bail is to be given*), in the sum of , to answer judgment in this cause, with costs (*or, if for costs only*, for costs).

Names, Addresses, and Descriptions of—

Sureties.	Referees. (*if required.*)
1.	
2.	

Dated this day of .

(Signed) *P.Q.*,
Marshal.

No. 31.

NOTICE OF OBJECTION TO SURETY.

O. XII r. 5.

(*Heading and Title as in* No. 1.)

Take notice that I object to the sufficiency of (*state name, address, and description of surety objected to*) proposed as a surety in this cause.

Dated the day of , 19 .

(Signed)

To .

No 32.

O. XIII. r. 1.
O. XXVII. r. 2.
O. XXIX. rr. 1, 2. 3.

RELEASE.

(*Heading and Title as in* No. 1.)

(i.) *On Restitution.*

George the Fifth, &c. (*as in* No. 2).

To the Marshal of the (*here fill in the name of the Prize Court*), Greeting.

Whereas in a cause for instituted in Our said Court on behalf of against the said ship (*or* cargo, &c, *or, if in personam, name the party*).

The Judge has ordered the said (*state whether ship, cargo, or part of cargo, as the case may be*) to be restored to the claimant for the use of the owners thereof (*or as the case may be, following the words of the order*).

Now We do hereby command you to release the said (*ship, &c., as above*) from your custody, possession, or control, and to deliver and restore the same unto the said (*insert name of claimant*) for the use of the owners thereof (*or otherwise, according to terms of order*).

Witness, &c. (*as in* No. 2).

Release .

Taken out by .

(ii.) *From Arrest.*

(*Commencement and recital as in No.* (i.) *and continue as follows:*—)

We did command you to arrest the said (*ship, cargo, part of cargo, &c.*) and to keep the same under safe arrest until you should receive further orders from Us.

Now We do hereby command you to release the said (*ship, &c., as above*) from the arrest effected by virtue of Our warrant in the said cause, upon payment being made to you of all costs, charges, and expenses attending the care and custody of the property whilst under arrest in that cause.

Witness, &c. (*as in* No. 2).

Release .

Taken out by .

No. 33.

O. XIII. r. 7.

CERTIFICATE OF RELEASE (*to be indorsed on the Release*).

On the day of , 19 , the ship was released [from arrest] pursuant to this instrument of release.

(Signed) .
Marshal.

No. 34.

O. XIV. r. 1.

NOTICE FOR CAVEAT WARRANT.

(*Heading and Title as in* No. 1.)

Take notice that I, *C.D.* (*description of applicant*) apply for a caveat against the issue of any warrant for the arrest of (*state name and nature of property*), and I hereby undertake to enter an appearance in any cause for prize salvage that may be commenced in the Court against the said ship (*or, state nature of property*), and within three days after I shall have been served with notice of the institution of the cause, to give bail therein in a sum not exceeding (*state the amount for which the undertaking is given*), or to pay such sum into the Admiralty Registry.

My address for service is

Dated this day of .

(Signed) *C.D.*

No. 35.

CAVEAT WARRANT.

O. XIV. r. 4.

(*Heading and Title as in* No. 1.)

Caveat entered this day of against the issue of any warrant for the arrest of (*state name and nature of property*) without notice being first given to (*state name and address of person to whom, and address at which, notice is to be given*), who has undertaken to appear and to give bail in any cause for prize salvage which may have been or may be instituted against the said property in this Court.

On withdrawal of caveat, add: Caveat withdrawn this day of .

No. 36.

NOTICE FOR CAVEAT RELEASE.

O. XIV. r. 5.

(*Heading and Title as in* No. 1.)

Take notice that I, *C.D.* (*description of applicant*) in a cause instituted on behalf of (*state name, &c., of claimant, &c.*) against the (*state name nature of property*), apply for a caveat against the release of (*state name and nature of property*).

(*If the person applying for the caveat is not a party to the cause, he must also state his address and an address for service within three miles of the Registry.*)

Dated this day of .

(Signed) *C.D.*

No. 37.

CAVEAT RELEASE.

O. XIV. r. 5.

(*Heading and Title as in* No. 1.)

Caveat entered this day of against the release of (*state name and nature of property*), by (*state name and address of person entering caveat, and his address for service*).

On withdrawal of caveat add: Caveat withdrawn this day of .

No. 38.

NOTICE FOR CAVEAT PAYMENT.

O. XIV. r. 6.

(*Heading and Title as in* No. 1.)

Take notice that I, *C.D.* (*description of applicant*), in the above-named cause, apply for a caveat against the payment of any money (*if for costs, add* for costs) out of the proceeds of the sale (*or* of the freight of) the ship (*or as the case may be*) now remaining in Court, without notice being first given to me.

(*If the person applying for the caveat is not a party to the cause, he must also state his address, and an address for service within three miles of the Registry.*)

Dated this day of

(Signed) *C.D.*

No. 39.

O. XIV. r. 6.

CAVEAT PAYMENT.

(*Heading and Title as in* No. 1.)

Caveat entered this day of , against the payment of any money (*if for costs, add* for costs) out of the proceeds of the sale of the ship (*or* of the freight of) (*or as the case may be*) now remaining in Court, without notice being first given to (*state name and address of person to whom, and address at which, notice is to be given*).

On withdrawal of the caveat add: Caveat withdrawn this day of

---

No. 40.

O. XIV. r. 10.

NOTICE OF WITHDRAWAL OF CAVEAT.

(*Heading and Title as in* No. 1.)

Take notice that I withdraw the caveat (warrant, release, *or* payment *as the case may be*) entered by me in this cause.

Dated this day of .

(Signed) *C.D.*

No. 41.

O. XV. r. 11.

COMMISSION TO EXAMINE WITNESSES.

(*Heading and Title as in* No. 1.)

George the Fifth, &c. (*as in* No. 2).

To (*state name and address of examiner or commissioner appointed*), Greeting.

Whereas in a cause for commenced in Our said Court on behalf of against (*ship or cargo, &c., or as the case may be*) the Judge has ordered a commission to be issued for the examination of witnesses concerning the truth of the matters at issue in the said cause.

We therefore hereby authorize you upon the day of , 19 , at , in the presence of the parties, their counsel or solicitors, or in the presence of their or either of their lawfully appointed substitutes, or otherwise notwithstanding the absence of either of them, to swear the witnesses who shall be produced before you for examination in the said cause, and cause them to be examined, and their depositions to be reduced into writing. We further authorize you to adjourn, if necessary, the said examinations from time to time and from place to place, as you may find expedient. And We command you, upon the examinations being completed, to transmit the depositions and the whole proceedings had and done before you, together with this commission, to the Registry of Our said Court.

Witness, &c. (*as in* No. 2).

Commission to examine witnesses.

Taken out by .

No. 42.

O. XV. r. 11.

REQUEST.

To the President and Judges of (*or as the case may be*).

Whereas a cause is now pending in the (*here fill in the name of the Prize Court*), in prize and the said cause is instituted on behalf of His Britannic Majesty for the condemnation of the ship and her cargo (*or as the case may be*) as prize, and the said ship and cargo (*or as the case may be*) is claimed by *C.D.*, a subject of (*or,* and the said cause is instituted for the recovery of prize salvage *or* to establish a claim of joint capture by *E.F.* against *A B.*).

And whereas it has been represented to the said Court that it is necessary for the purposes of justice, and for the due determination of the matters in dispute in the said cause, that the following persons should be examined as witnesses upon oath touching such matters, that is to say:—

T.U., of ,
W.X., of ,
and *Y.Z.*, of .

And it appearing that such witnesses are resident within the jurisdiction of your honourable Court.

Now I, , President (*or*, one of the Judges, *as the case may be*) of the said (*here fill in the name of the Prize Court*), have the honour to request that for the reasons aforesaid and for the assistance of the Court you as the President and Judges of the said (*here fill in the name of the Court to which the request is addressed*), or some one or more of you, will be pleased to summon the said witnesses [and such other witnesses as the said *C.D.* or his agents may humbly request you in writing so to summon] to attend at such time and place as you shall appoint before some one or more of you, or such other person as according to the procedure of your Court is competent to take the examination of witnesses, and that if due notice has before such time appointed been given of such examination to the agent acting on behalf of His said Majesty (*or as the case may be*) in this matter, you will cause such witnesses to be examined upon the interrogatories which accompany this letter of request (*or vivâ voce*) touching the matters in question in this cause in the presence of the agents of the parties, or such of them as shall, on due notice given, attend such examination.

And I further have the honour to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing, and all books, letters, papers, and documents produced upon such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal, or in such other way as is in accordance with your procedure, and to return the same together with such request in writing, if any, for the examination of other witnesses through His Majesty's Secretary of State for Foreign Affairs, (*or* His Majesty's Secretary of State for the Colonies, *or* the governor of)for transmission to the said (*here fill in the name of the Prize Court*).

(Signed)
President (*or* Judge of the Probate, Divorce,
and Admiralty Division of the High
Court of Justice of England
(*or as the case may be*).

[*Note.*—If the request is directed to the High Court in India it should be transmitted direct and the concluding sentence of the form altered accordingly.]

No. 43.

RETURN TO COMMISSION TO EXAMINE WITNESSES.

O. XV. r. 11.

(*Heading and Title as in* No. 1.)

I, *R.S.* the (examiner *or*) commissioner named in the commission hereto annexed, bearing date the day of , hereby certify as follows:—

(1.) On the day of I opened the said commission at , and in the presence of (*state who were present, whether both parties, their counsel, or solicitors, or as the case may be*), administered an oath to and caused to be examined the under-named witnesses who were produced before me on behalf of the to give evidence in the above-named cause, viz.:—

(*Here state names of witnesses.*)

(2.) On the day of I proceeded with the examinations at the same place (*or if not state where*) and in the presence of (*as *above*) administered an oath to and caused to be examined the under-named witnesses who were produced before me on behalf of , to give evidence in the said cause, viz.:—

(*State names of witnesses.*)

(3.) Annexed hereto is the evidence of all the said witnesses certified by me to be correct.

Dated this day of .

(Signed) *R.S.*,
Examiner *or* Commissioner.

No. 44.

O. XVII. r. 6.

REGISTRAR'S REPORT AND REASONS.

(*Heading and Title as in* No. 1.)

REGISTRAR'S REPORT AND REASONS.

Whereas the damages occasioned to the claimant (*or as the case may be*) by reason of the (*capture, seizure, detention, &c.*) of the ship (*or cargo, &c.*) have been pronounced for by the Court (and whereas such decree has been affirmed by His Majesty in Council), subject, however, to a reference to the Registrar (assisted by merchants) to assess the amount thereof.

Now I do hereby report that I have with the assistance of (*state names and description of assessors, if any,*) examined the claim filed on behalf of and having, on the day of , heard the evidence of witnesses (and also what was urged by counsel on both sides) I find that there is due to the in respect of claim the sum and interest in the schedule hereto annexed.

The are entitled to the costs of proving their claim (*or as the case may be*).

(Signed) *N.O.*,
Registrar.

Dated this day of .

SCHEDULE annexed to the foregoing report.

No.	——	Claimed.	Allowed.
1 2 3 4, &c.	*Here state as briefly as possible the several items of the claim with the amount claimed and allowed on each item in the columns for figures opposite the item.*		
	Total		

With interest thereon from the day of , at the rate of per cent. per annum until paid.

(Signed) *N.O.*,
Registrar.

No. 45.

O XVII. r. 7.

ORDER CONFIRMING REGISTRAR'S REPORT.

(*Heading and Title as in* No. 1.)

The President (*or* Judge) having heard counsel (*or* solicitors) for (*insert the names and descriptions of the parties heard*) confirmed the Registrar's Report herein.

Dated the day of 19 .

No. 46.

Notice of Objection to Registrar's Report.

O. XVII. r. 9.

(*Heading and Title as in* No. 1.)

Take notice that the object to the Registrar's report herein.
Dated the day of , 19 .
's Solicitors.

To ,
Solicitors for .

No. 47.

Notice of Motion.

O. XVII. r. 10.
O. XX. r. 3.
O. XXXIV.
O. XLIV. r. 2.

(*Heading and Title as in* No. 1.)

Take notice, that the Court will be moved on day, the day of , 19 , at o'clock in the noon, or so soon thereafter as counsel can be heard, by that .
Dated the day of , 19 .
(Signed) of
Agent for
of , Solicitor
for the .

To .

No. 48.

Summons.

O. XX. r. 1.

(*Heading and Title as in* No. 1.)

Let *A.B.* attend before the Judge (*or* Registrar) in chambers at , on the day of at o'clock in the noon, to show cause why
Dated this day of .
This summons was taken out by ,
Solicitors for the .

To ,
Solicitors for the .

No. 49.

Heading and Jurat to Affidavit.

O. XXI. r. 2.

No. .

In the (*here fill in the name of the Prize Court*).

(*If sworn before a cause has been instituted the above heading must be omitted.*)

In Prize.
The .

I, , of (*describe capacity of deponent*), (*if a cause has been instituted, say* in the above-named cause), make oath and say as follows:—

1. .
2. .

(*a*) Sworn at this day of , (*if by interpretation add* by the interpretation of *C.D.*, who was previously sworn that he was well acquainted with the English and languages, and that he would faithfully interpret this affidavit).

Before me,
R.S. (*give name, rank, and authority of person before whom the affidavit is sworn*).

This affidavit is filed on behalf of .

(*a*) Where there are two or more deponents; *if all the deponents are not sworn at the same time then a separate jurat must be written for each occasion on which the oath is administered. If both or all are sworn at the same time, the jurat should run* Sworn by both (*or* all) the above-named deponents at, &c.

No. 50.

O. XXII. r. 3.

OATHS.

(*These oaths should be said, or repeated after the officer administering the oath.*)

(i.) *Oath to be Administered to a Witness.*

I swear by Almighty God that the evidence given by me shall be the truth, the whole truth, and nothing but the truth.

(ii.) *Oath to be Administered to a Deponent.*

I swear by Almighty God that this is my name and handwriting, and that the contents of this affidavit are true.

(iii.) *Oath to be Administered to Shorthand Writer.*

I swear by Almighty God that I will faithfully report and transcribe the evidence of the witnesses to be produced in this cause.

(iv.) *Oath to be Administered to an Interpreter.*

(*a*) *General Form.*

I swear by Almighty God that I well understand the English and languages and that I will truly interpret and explanation make to the Court and the witness of all such matters and things as shall be required of me to the best of my skill and understanding.

(*b*) *Before Swearing a Deponent.*

I swear by Almighty God that I well understand the English and languages, and that I have truly, distinctly, and audibly interpreted the contents of this affidavit to the deponent , and that I will truly interpret the oath about to be administered unto him.

(*Note.*—The interpreter need not sign the affidavit.)

No. 51.

O. XXII. r. 4.

DECLARATIONS IN LIEU OF OATHS.

(i.) *By Witness.*

I solemnly promise and declare that the evidence given by me shall be the truth, the whole truth, and nothing but the truth.

(ii.) *By Deponent.*

I solemnly declare that this is my name and handwriting, and that the contents of this affidavit are true.

No. 52.

O. XXVII.

ORDER (GENERAL FORM).

(*Heading and Title as in* No. 1.)

(*Insert name of Judge or Registrar and whether in Court or Chambers.*)

Upon hearing (counsel, solicitors *or* witneses, *as the case may be*) and upon reading the affidavit of , filed the day of , 19 , and (*state all further evidence before the Court*).

It is ordered that

and that the costs of this application be .

Dated the day of , 19 .

No. 53.

Decrees.

(i.) *On Condemnation of Ship, or Cargo, or Ship and Cargo; where Claim made.* O. XXVII.

(*Heading and Title as in* No. 1.)

On the day of .
Before President (*or* Judge).

The President (*or* Judge) having heard the claim of *A.B.*, claimant of the said ship (and of the cargo thereof) (*or if there is a separate claim for cargo,* and of *C.D.*, claimant of the cargo of the said ship), and the evidence thereon, and counsel for (*insert the names and descriptions of the parties heard*), and having been assisted by (*here state names and descriptions of assessors, if any*), rejected the said claim (*or* claims), pronounced the said ship (and the said cargo) (*or* the said cargo) to have belonged at the time of capture and seizure thereof to enemies of the Crown and, as such or otherwise, subject and liable to confiscation, and condemned the same (*if, on condemnation of ship alone, freight is due, add* as also the freight due for the transportation of the cargo lately laden therein) as good and lawful prize, and as taken by His Majesty's ship , , commander, and ordered the said ship to be appraised and sold by the marshal (*or if both ship and cargo, or cargo alone,* ordered the said cargo to be unladen and appraised and sold by the marshal), (*and if the Judge should give the claimants their costs and expenses, add*) but directed the costs and expenses of the claimants to be paid out of the proceeds of such sale of ship (*or* cargo), and referred such costs and expenses to the registrar to ascertain the amount thereof.

(ii.) *For Detention.* O. XXVIII.

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard the claim of *A.B.*, claimant of the said ship (and of the cargo thereof) (*or as the case may be*), and the evidence thereon, and counsel for the Crown and (*insert the name and description of the claimant heard*), pronounced the said ship (and the said cargo) (*or as the case may be*) to have belonged at the time of seizure to enemies of the Crown and to have been seized under such circumstances as to be entitled to detention in lieu of confiscation, and ordered the said ship to be detained by the Marshal until further order is issued by the Court.

(iii.) *On Condemnation by Default.* O. XV. r. 3.

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard the evidence and counsel for the (Crown *or*) captors, in default of appearance and claim of (*insert* owners of ship, *or as the case may be*), pronounced, &c. (*adapt Form* (i.)).

(iv.). *For Detention on Condemnation by Default.* O. XXVIII.

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard the evidence and counsel for the Crown, in default of appearance and claim of (*insert owners of ship or as the case may be*) pronounced the said ship to have belonged at the time of seizure &c. (*as in Form* (ii.)).

(v.) On *Condemnation of a Ship of War.*

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard the evidence and counsel for the Crown (*or captors*), in default of appearance and claim pronounced the said ship to have belonged at the time of capture and seizure to enemies of the Crown, and, as such or otherwise, subject and liable to confiscation, as having been a ship of war, and condemned the same, together with her tackle, apparel, furniture, stores, arms, and ammunition, as good and lawful prize, generally reserving the question by whom taken, [and also the consideration of prize bounty] [*or* as taken by His Majesty's ship , commander, and (*if head money is given*) pronounced and declared that the officers and crew of His Majesty's said ship (*or such of them as are entitled*) are entitled to prize bounty as having been present at the taking of the said ship of war and that at the beginning of the engagement there were on board the said ship of war persons, and that the amount of prize bounty aforesaid is the sum of].

O. XXXIII. Naval Prize Act, 1864, s. 42.

(vi.) *On Condemnation of a Neutral Ship.*

(*Commencement as in Form* (i.).)

The President (*or* Judge) &c. (*follow Form* (i.) *with the necessary adaptations down to the word* "rejected," *and continue*:) the said claim (*or* claims) pronounced the said ship (and the said cargo) (*or* the said cargo) to be liable to confiscation upon the ground that (*here state the grounds of confiscation*),and condemned the same &c. (*adapt Form* (i.)).

(vii.) *On Condemnation, where Ship has been destroyed.*

(*Commencement as in Form* (i.).)

The President (*or* Judge) &c. (*follow Form* (i.) *with the necessary adaptations down to the word* "commander," *and continue*:) and declared the destruction of the said ship (*or cargo, &c.*) to have been necessary (*here state the grounds on which the Court held the destruction to be justified*).

(viii.) *On Restoration.*

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard the claim of *A.B.*, claimant of the said ship , (and of the cargo thereof) (*or, if there is a separate claim for cargo*, and of *C.D.*, claimant of the cargo of the said ship) and the evidence thereon, and counsel for (*insert names and descriptions of the parties heard*), and having been assisted by (*here state names and descriptions of assessors if any*) admitted the said claim (*or* claims), pronounced the said ship (and cargo) (*or* the said cargo) to have belonged as claimed, and decreed the said ship (*if the freight is due*, with freight and expenses to be a charge on the cargo) (together with the said cargo) to be restored to the claimants for the use of the owners thereof [on payment of the captors' expenses *or* and condemned the captors (*insert name or names*) in the costs and damages sustained by the owners of the said ship and of the said cargo (*or* of the said cargo) by reason of the capture and detention thereof by , and referred the amount of such costs and damages to the Registrar to report thereon].

(ix.) *Condemning Ship and Restoring Cargo.*

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard, &c. (*adapt Form* (i.)), pronounced the said ship to have belonged at the time of capture and seizure thereof to enemies of the Crown of Great Britain, and, as such or otherwise, subject and liable to confiscation, and condemned the same (as also the freight due for the transportation of the cargo lately taken therein) as good and lawful prize, and as taken by His Majesty's ship , , commander, and ordered the said ship to be appraised and sold by the marshal, and pronounced the said cargo to have belonged as claimed and decreed the said cargo to be restored to the claimant for the use of the owners thereof (upon payment of the captors' expenses, and upon payment of the freight due for the transportation of the said cargo, and referred the amount of such freight to the Registrar to report thereon).

(x.) *Restoring Ship and Condemning Cargo.*

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard, &c. (*adapt Form* (i.)), admitted the claim for the said ship , and pronounced the said ship to have belonged as claimed, and decreed the said ship to be restored to the claimant for the use of the owners thereof (*if freight is due*, and pronounced freight and expenses to be due upon the cargo of the said ship), and rejected the said claim for the said cargo, and pronounced the same to have belonged, at the time of the capture and seizure thereof, to enemies of the Crown of Great Britain, and, as such or otherwise, subject and liable to confiscation, and condemned the same (*as in Form* (i.)), and ordered the said cargo to be unladen and appraised, and sold by the marshal.

(xi.) *Restoring Neutral Ship and Condemning Cargo.*

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard &c. (*adapt Form* (x.) *and proceed*) and rejected the said claim for the said cargo (*if part of cargo only condemned, describe the part condemned and say* being part of the said cargo) and pronounced the same to be contraband (*or as the case may be*) and, as such or otherwise, subject and liable to confiscation, and condemned the same (*as in Form* (i.)), and ordered the said cargo (*or* the said part of the said cargo) to be unladen and appraised, and sold by the Marshal.

(xii.) *Condemnation as Droit of Admiralty.*

Naval Prize Act, 1864. s. 39.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard, &c. (*adapt Form* (i.) *to words* "good and lawful prize," *and proceed*) and as droits and perquisites of His Majesty, in His office of Admiralty, seized by the officers of His Majesty's Customs, at the port of (*or*, as taken by the non-commissioned ship *or* the officers and crew of the non-commissioned ship , *as the case may be and conclude as in Form* (i.) *or as required*).

(xiii.) *In Prize Salvage.*

O. XXX. Naval Prize Act. 1864, s. 40.

Where Ship is brought in and remains under Arrest.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the claim and evidence thereon, and counsel on both sides, and having been assisted by (*here state the names and descriptions of assessors, if any*), admitted the claim of *A.B.*, the claimant of the said ship (and her cargo), pronounced the said ship (and her cargo) to have belonged to subjects of His Majesty (*or* to His Majesty the King of *state style and title of the allied Government*, and his subjects), and to have been taken from them by the (*state name of enemy nation*), and retaken by His Majesty's ship of war, the , commander, and decreed the same to be restored to the claimants for the use of the former owners thereof (*or* of his said Majesty, *name of allied state*. and his subjects, the former owners thereof) on payment of one-eighth part (*or such other part as the Judge may determine*) of the value of the said ship (*or* the cargo of the said ship), to the recaptors. The President (*or* Judge further decreed that the costs of the recaptors of and incidental to this cause should be paid by the claimants (*or insert such other order as to costs as the Judge may make*) The President (*or* Judge) further ordered and directed that the said value should be ascertained by appraisement of the said ship (*or* the cargo of the said ship) by the marshal, and decreed that in default of payment by the claimant of the said , part of the said value so ascertained as aforesaid, and the said costs) within days after the return of the said appraisement by the marshal, the said ship (*or* the cargo of the said ship) should be sold by the marshal, and the proceeds of such sale paid into Court, and that the said part (and the said costs) be paid to the recaptors out of the said proceeds.

O. XXX. r. 3.

(xiv.) *In Prize Salvage.*

Where Value Sworn or Agreed.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard, &c. (*follow last preceding decree down to* " on payment of " *and proceed*) the sum of , being one-eighth part (*or such other part as the Judge may determine*) of the value of the said ship, as proved by the owner and accepted by the recaptors, and approved by the Court (*or* as agreed between the owner and the recaptors and approved by the Court).

The President (*or* Judge) further decreed that the costs of the recaptors of and incidental to this cause should be paid by the claimant. He further decreed that in default of payment by the claimant of the said sum of , and the said costs within six days, the said ship should be appraised and sold by the marshal, and the proceeds of such sale paid into Court, and that the said sum of , and the said costs, be paid to the recaptors out of the said proceeds.

O. XXX.

(xv.) *In Prize Salvage.*

Where Ship restored but Cargo condemned.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the claim, and evidence thereon, and counsel (*&c. as in Form* (i.)), rejected the claim of *A.B.*, the claimant of the cargo of the said ship and pronounced the same to have belonged (*&c. as in Form* (i.)), and condemned the same as taken by His Majesty's ship , , commander, and further pronounced that freight and expenses are due to the said ship in respect of the said cargo, and ordered that such freight and expenses should be a charge on the said cargo; admitted the claim of *C.D.*, claimant of the said ship; pronounced the said ship to have belonged, &c. (*as in Form* (xiii.) *down to* " on payment of," *and proceed*) of one-eighth part (*or as the case may be*) of the value of the said ship and of the said freight (*if the value has to be ascertained, continue as in Form* (xiii.), *and proceed*) and referred the question of freight to the registrar to ascertain the amount thereof.

[*Note.—In cases where a sale of ship or cargo takes place, and the Judge directs the costs and expenses of all parties to be paid out of the value, the foregoing decrees can be adapted by inserting words to the following effect:* " On payment of one-eighth part of the value of the said ship, or cargo, " after deducting therefrom the costs and expenses of all parties."]

O. XXX.
O. XII.

(xvi.) *In Prize Salvage.*

Where Ship is brought in and released on Bail.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the claim, and the evidence thereon, and counsel on both sides, and, having been assisted by (*here state the names and descriptions of assessors, if any*) pronounced due and awarded to , the recaptors, the sum of , being one-eighth part (*or such other part as the Judge may determine*) of the appraised value of the said ship (*or* of the estimated value of the said ship as agreed on between the claimant and owner and the recaptors, and approved by the Court) and further decreed that the costs of the captors of and incidental to this cause should be paid by the claimant, and condemned the claimant and his bail in the said sum of , and the said costs

(xvii.) *In Prize Salvage.*

O. XXX. r. 2. Naval Prize Act, 1864, s. 41.

Where the Ship has been allowed to prosecute her Voyage.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the evidence and counsel on both sides, and having been assisted by (*here state the names and descriptions of assessors, if any*), pronounced due and awarded to the recaptors, the sum of , being one-eighth part (*or such other part as the Judge may determine*) of the value of the said ship as proved by the owners, and accepted by the recaptors, and approved by the Court (*or* of the estimated value of the said ship as agreed on between the owner and the recaptors, and approved by the Court, *or* as ascertained by appraisement of the marshal (*as the case may be*) and further decreed that the costs of and incidental to this cause should be paid by the owner, and condemned the said ship (and cargo) in the said sum of , and the said costs; ordered and directed the said ship to be appraised (*if not already appraised*) and sold by the marshal, and the said sum of and costs to be paid to the recaptors out of the proceeds of such sale; but ordered and directed that if the said owner should pay the said sum of and costs within days from the date hereof, the said ship (and cargo) should be released to the said owner (*or if the ship has not been arrested*, condemned the said owner in the said sum of , and the said costs, and ordered him to pay the same, *or* ordered and directed a warrant to issue for the arrest of the said ship and cargo)

(xviii.) *In Joint Capture.*

O. XXXII.

Pronouncing on Condemnation for or against Title to Share.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the claim, and the evidence thereon, and counsel for the claimants *A.B.*, &c., and for the captors *C.D.*, &c., and for the alleged joint captors *E.F.*, &c., and having been assisted by (*here state names and descriptions of assessors, if any*) rejected the said claim; pronounced the said ship to have belonged at the time of capture and seizure thereof to enemies of the Crown of Great Britain, and, as such or otherwise, subject and liable to confiscation; pronounced for (*or* against) the title of the said *E.F.*, &c., to share as joint captors of the said ship, and condemned the said ship (as also the freight due for the transportation of the cargo lately laden therein, *if any*) as good and lawful prize, and as taken by His Majesty's ship (*name of ship of original captors, and if the title of the joint captors is pronounced for, add*, jointly with His Majesty's ship (*name of ship of joint captors*)), (and further decreed that the costs of the said *E.F.*, &c., (*or* the said *C.D.*, &c.) of . be paid by the said *C.D.*, &c., *or E.F.*, &c.).

The President (*or* Judge) further ordered the said ship to be appraised and sold by the marshal.

(xix.) *In Joint Capture.*

O. XXXII.

On Condemnation, reserving Question, by whom taken.

(*Commencement as in Form* (i.).)

(*Proceed as in last preceding Form down to the words* "liable to confiscation," *and continue*) and condemned the said ship (as also the freight due for the transportation of the cargo lately laden therein, *if any*) as good and lawful prize, but reserved the question by whom taken. The President (*or* Judge) further ordered the said ship to be appraised and sold by the marshal.

O. XXXI.

(xx.) *In Joint Capture.*

Subsequent to Condemnation.

Pronouncing for or against Title to Share.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the claim and the evidence thereon, and counsel on both sides, pronounced against (*or* for) the title of *E.F.*, &c., to share as joint captors of the said ship , and condemned the said ship (as also the freight due for the transportation of the cargo lately laden therein, *if any*) as taken by His Majesty's ship , , commander (*or* as taken by His Majesty's ship , , commander together with His Majesty's ship , , commander); and he condemned *E.F.*, &c. (*or C.D.*, &c.) in the costs of .

O. XXXII.

(xxi.) *In Joint Capture.*

Before or subsequent to Condemnation.

Admitting Petition to Proof, or Dismissing Petition.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having read the petition of *A.B.*, and having heard counsel for the petitioner and for the respondent, admitted the said petition to proof (*or* dismissed the said petition, and condemned the said *A.B.* in the costs of the respondent).

O. XXXII. r. 8.

(xxii.) *In Joint Recapture.*

Pronouncing for Joint Title or Interest.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the claim, and the evidence thereon, and counsel for *A.B.*, &c., the claimants, *C.D.*, &c., the recaptors, and *E.F.*, &c., the alleged joint recaptors, and having been assisted by (*here state the names and descriptions of assessors, if any*), admitted the claim of *A.B.*, &c. (*proceed as in Form* (xiii.) *to the words* "of the value of the said ship (*or* the cargo of the said ship)"), and pronounced the said *E.F.*, &c., to be joint recaptors of the said ship (*or* of the cargo of the said ship) and entitled to share in the said part.

The President (*or* Judge) further decreed that the costs of the recaptors of and incidental to this cause should be paid by the claimants, and that the costs of *E.F.*, &c., the said joint recaptors, should be paid by (*or such order as to costs as the Judge may make*).

The President (*or* Judge) further ordered and directed that the said value should be ascertained by appraisement of the said ship (*or* the cargo of the said ship) by the marshal, and decreed that in default of payment by the claimants of the said part of the said value so ascertained as aforesaid, and of the said costs within days after the return of the said appraisement by the marshal, the said ship (*or* the cargo of the said ship) should be sold by the marshal, and the proceeds of such sale paid into Court, and that the said part and the said costs be paid to the recaptors out of the said proceeds, subject to the right of the joint recaptors to share in the said part.

(xxiii.) *In Joint Recapture.*

Reserving Question to whom Due.

(*Commencement as in Form* (i.).)

O. XXXII. r. 8.

The President (*or* Judge, &c. (*proceed as in last preceding Form to words* of the value of the said ship, *or* the cargo of the said ship, *and then proceed*), reserving the question to whom such salvage is due and further reserving all questions of costs.

(xxiv.) *Rejecting Claim of alleged Joint Recaptors and pronouncing for sole Title or Interest.*

O. XXXII. r. 8.

(*Commencement as in Form* (i.).

(*Proceed as in Form* (xiii.) *until the end of the clause decreeing restitution, and continue*) and rejected the claim of the said *E.F.*, &c., to share as joint recaptors in the said part (and condemned the said *E.F.*, &c., in the costs of the said *C.D.*, &c., occasioned by the said claim of *E.F.*, &c., to share as joint recaptors).

(*The rest of this decree is as in Form* (xiii.).)

(xxv.) *In Prize Bounty.*

O. XXXIII. Naval Prize Act, 1864, ss. 42. 43.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the notice of motion and the evidence thereon, and having heard counsel for the applicants (*name and describe them*), and for (*any other parties appearing*), pronounced and declared that the said applicants being the (*or* some of the) officers and crew of His Majesty's ship , , commander, are entitled to prize bounty as being actually present at the taking (*or* destroying) of the armed ship , belonging at the time of capture (*or* destruction) thereof to an enemy of His Majesty, to wit (the King of , *or as the case may be*), and (*if head money is given*) that at the beginning of the engagement there were on board the said enemy's ship persons, and that the amount of prize bounty aforesaid is the sum of .

(xxvi.) *In Prize Bounty.*

O. XXXIII.

On Claim to share as Joint Captors before Title declared.

(*Commencement as in Form* (i.).)

The President (*or* Judge) having heard the notice of motion and the petition of , the alleged joint captors, and the answer of the applicants and respondents, and the evidence thereon, and having heard counsel for the several parties, pronounced and declared prize bounty to be due in respect of the taking (*or* destroying) of the armed ship , belonging at the time of capture (*or* the destruction) thereof to an enemy of His Majesty, to wit (the King of , *or as the case may be*), and (*if head money is given*) that at the beginning of the engagement there were on board the said enemy's ship persons, and that the amount of prize bounty aforesaid is the sum of , admitted (*or* rejected) the claim of the petitioners, and further pronounced and declared that the applicants being the (*or* some of the) officers and crew of His Majesty's ship , , commander (*if the claim of the alleged joint captors is admitted add* together with the petitioners, being the (*or* some of the) officers and crew of His Majesty's ship , , commander) are entitled to the said prize bounty as being actually present at the taking (*or* destroying) of the said armed ship .

[*Note*.—For decree awarding bounty on condemnation of a ship of war, *see* Form (v.).]

(xxvii.) *In Prize Bounty.*

O. XXXIII.

On Claim to share after Decree for Prize Bounty made.

(*Commencement as in Form* (i.).)

The President (*or* Judge), having heard the petition and answer read and the evidence thereon, and having heard counsel for the several parties admitted (*or* rejected), the claim of the petitioners, and pronounced and declared that the petitioners being the (*or* some of the) officers and crew of His Majesty's ship , , commander, were (*or* were not) entitled to share with the officers and crew of His Majesty's ship , , commander, in the prize bounty awarded and declared due by the decree of this Court.

O. XXXIII. (5).

(xxviii.) *In Prize Bounty.*

Reserving the Question to whom the Bounty is due.

(*Commencement as in Form* (i.).)

(*Proceed as in Form* (xxvi.) *down to the words* " the sum of " *inclusive, or as required, and continue:*) but reserved the question as to the persons entitled to such bounty or to share therein.

No. 54. (**a**)

O. XXIX. . 1

Notice of Motion for Requisition by the Admiralty.

(Heading and Title as in No. 1.)

Take notice that the Lords of the Admiralty desire to requisition the above ship (and that the said ship is required for the service of His Majesty forthwith) and that the Court will be moved &c. (as in *No. 47*) *that a commission do issue for the appraisement of the said ship, and that, on payment into Court of the appraised value of the ship, the said ship shall be released and delivered to the Lords of the Admiralty* (if the ship is required forthwith, omit from " *that a commission* " and say " *that the said ship shall be forthwith released and delivered to the Lords of the Admiralty* "). (Conclusion as in *No. 47.*)

No. 55.

O. XXIX. r. 2.

NOTICE OF REQUISITION BY THE ADMIRALTY.

(*Heading and Title as in* No. 1.)

Take notice that the Lords of the Admiralty desire to requisition [forthwith] the property mentioned in the schedule hereto which was condemned as prize (*or* " ordered to be detained " *as the case may be*) by the Court on the day of .

Dated the day of

Schedule.

No. 56.

O. XXIX. r. 2.

COMMISSION OF APPRAISEMENT OF PROPERTY REQUISITIONED BY THE ADMIRALTY.

(*Heading and Title as in* No. 1.)

George V. &c. (*as in* No. 2).

To the Marshal of the (*here fill in the name of the Prize Court*), Greeting.

Whereas a cause for condemnation has been instituted in our said Court in respect of the undermentioned property, and whereas the said property has been condemned as prize (*or* " ordered to be detained "), and whereas the Lords of the Admiralty desire to requisition the said property,

We therefore hereby authorize and command you to reduce into writing an inventory of the said property and, having chosen one or more experienced person or persons, to swear him or them to appraise the same according to the true value thereof and to reduce into writing a certificate of such value. And we further command you to file in the Registry the certificate of appraisement signed by you and the appraiser or appraisers together with this commission.

Witness &c. (*as in* No. 2).

Commission of Appraisement.

Taken out by

(**a**) The Order in Council of September 30th (printed at p. 366 below) provides that Form No. 54 in this Appendix shall be omitted.

No. 57.

AFFIDAVIT OF VALUE IN A CAUSE OF PRIZE SALVAGE.

O. XXX r. 3.

(*Heading and Title as in* No. 1.)

I, *C.D.*, of , one of the owners of the said ship , make oath and say as follows:—

That the value of the said ship is or thereabouts, and of the cargo (now or) lately laden therein . and that the gross value of the freight earned by the said ship on her voyage in which the salvage services are alleged to have been rendered to her, amounts to the sum of or thereabouts, and that the expenses of earning such freight are (*set them out*).

Sworn, &c.

(Signed) *C.D.*

No. 58.

AGREEMENT OF VALUE OF SHIP, CARGO, AND FREIGHT IN A CAUSE OF PRIZE SALVAGE.

O. XXX. r. 3.

(*Heading and Title as in* No. 1.)

We, the undersigned, the owners of the ship (*or as the case may be*), and the recaptors, the parties to this cause, do hereby agree the ship , and the cargo (now or) lately laden therein, and the freight due for the transportation thereof, being the ship, cargo, and freight proceeded against in this cause, to have been at the time of the salvage services in question, together of the value of (that is to say):—

Value of ship ... ...
Value of cargo ... ...
Value of freight ... ...

Dated this day of .

C.D.,
(*or* Solicitors for) owners.
E.F.,
(*or* Solicitors for) recaptors.

No. 59.

CERTIFICATE OF SERVICE.

O. XXXV. r. 11.

I certify that a copy of the within , was duly served on *J.K.*, the solicitor for the plaintiff (*or as the case may be*), on the day of .

(Signed) *L.M.*,
Solicitor (*or his clerk for him*).

No. 60.

MINUTE ON FILING DOCUMENTS.

O. XXXVII. r. 1.

(*Heading and Title as in* No. 1.)

I, *A.B.* (plaintiff, claimant, *or as the case may be*), file the following documents, viz.,

(*Here describe the documents filed.*)

Dated this day of .

(Signed) *A.B.*

No. 61.

O. XLI. r. 1.

MINUTE OF EXAMINATION OF WITNESSES.

(*Heading and Title as in* No. 1.)

On the day of .

Before , President (*or* Judge).

C.D. (claimant, *or as the case may be*) produced as witnesses (*here state names of witnesses in full*), who having been sworn (*or as the case may be*) were examined orally (*or, if by interpretation, add* by interpretation of).

No. 62.

O. XLII. r. 1.

CERTIFICATE OF CONDEMNATION AND SALE OF SHIP.

It is hereby certified that the (*here fill in the name of the Prize Court*), being duly authorized to take cognizance of and judicially proceed in matters of prize, did, by its order (*or* decree) dated the day of , , made in a cause instituted on behalf of His Britannic Majesty for the condemnation of the ship , formerly of the port of in the kingdom (*or as the case may be*) of , and claimed in the said cause by or on behalf of as the owner thereof, condemn the said ship as good and lawful prize to His Britannic Majesty and order the said ship to be sold by the marshal of the said Court, and that the said ship was sold accordingly by the said marshal and was by bill of sale (*if the certificate is endorsed thereon, add* upon which this certificate is endorsed), dated the day of , sold and assigned to (*insert name of purchaser*).

Issued under the seal of the said Court, this day of .

(Signed) *N.O.*,
Registrar

No. 63.

O. XLII. r. 1.

CERTIFICATE OF SALE OF SHIP.

It is hereby certified that the (*here insert the name of the Prize Court*), being duly authorized to take cognizance of and judicially proceed in matters of prize, did, by its order (*or* decree) dated the of , , made in a cause instituted on behalf of His Britannic Majesty for the condemnation of the ship , formerly of the port of , in the kingdom (*or as the case may be*) of and claimed in the said cause by or on behalf of as the owner thereof, order, on account of the condition of the said ship [*or* on application made on behalf of the said , the owner of the said ship (*or* with the consent of the said , the owner of the said ship)], the said ship to be sold by the marshal of the said Court; and that the said ship was sold accordingly, and was by bill of sale (*if the certificate is endorsed thereon, add* upon which this certificate is endorsed) dated the day of , sold and assigned to (*insert name of purchaser*).

Issued under the seal of the said Court, this day of .

(Signed) *N.O.*,
Registrar.

No. 64.

Certificate of Condemnation and Sale of Goods *or* Cargo.

O. XLII. r. 1.

It is hereby certified that the (*here insert the name of the Prize Court*), being duly authorized to take cognizance of and judicially proceed in matters of prize, did, by its order (*or* decree) dated the day of , , made in a cause instituted on behalf of His Britannic Majesty for the condemnation of (*describe the goods, giving numbers, weight, description, and marks* (*if any*)) being cargo (*or* part of the cargo) which was laden on board the ship at the time of the capture and seizure thereof by His Majesty's ship (*or, if the goods did not form part of the cargo of a ship, state where and how taken*) and which were claimed in the said cause by or on behalf of as the owner thereof, condemn the said goods as good and lawful prize to His Britannic Majesty, and order the said goods to be sold by the marshal of the said Court; and that the said goods were sold accordingly by the said marshal and were under a contract or sold note (*if the certificate is endorsed thereon add* upon which this certificate is endorsed) dated the day of , purchased by and sold to (*insert name of purchaser*).

Issued under the seal of the said Court, this
day of .

(Signed) *N.O.*,
Registrar.

No. 65.

Certificate of Sale of Goods or Cargo.

O. XLII. r. 1

It is hereby certified that the (*here insert the name of the Prize Court*), being duly authorized to take cognizance of and judicially proceed in matters of prize, did, by its order (*or* decree) dated the day of , , made in a cause instituted on behalf of His Britannic Majesty for the condemnation of (*describe the goods, giving numbers, weight, description, and marks* (*if any*)), being part of the cargo which was laden on board the ship at the time of the capture and seizure thereof by His Majesty's ship (*or, if the goods did not form part of the cargo of a ship, state where and how taken*) and which were claimed in the said cause by or on behalf of as the owner thereof, order, on account of the condition of the said goods [*or* on application made on behalf of the said , the owner of the said goods (*or* with the consent of the said , the owner of the said goods)], the said goods to be sold by the marshal of the said Court; and that the said goods were sold accordingly by the said marshal, and were under a contract or sold note (*if the certificate is endorsed thereon, add* upon which this certificate is endorsed) dated the day of , purchased by and sold to (*insert name of purchaser*).

Issued under the seal of the said Court, this
day of .

(Signed) *N.O.*,
Registrar.

No. 66.

Certificate of Restitution of Ship.

O. XLII. r.

It is hereby certified that the (*here fill in the name of the Prize Court*), being duly authorized to take cognizance of and judicially proceed in matters of prize, did, by its decree dated the day of , , made in a cause instituted on behalf of His Britannic Majesty for the condemnation of the ship

, of the port of , in the kingdom (*or as the case may be*) of , and claimed in the said cause by or on behalf of as the owners thereof, admit the said claim on behalf of the said , pronounce the said ship to have belonged as claimed, and decree the said ship to be released and to be restored to the claimant for the use of the said , the owners thereof.

Issued under the seal of the said Court, this day of .

(Signed) *N.O.*,
Registrar.

No. 67.

O. XLII. r. 3.

CERTIFICATE OF RESTITUTION OF GOODS OR CARGO.

It is hereby certified that the (*here fill in the name of the Prize Court*), being duly authorized to take cognizance of and judicially proceed in matters of prize, did, by its decree dated the day of , , made in a cause instituted on behalf of His Britannic Majesty for the condemnation of (*describe the goods, giving numbers, weight, description, and marks (if any)*), being part of the cargo which was laden on board the ship at the time of the capture and seizure thereof by His Majesty's ship (*or if the goods did not form part of the cargo of a ship, state where and how taken*) and which were claimed in the said cause by or on behalf of as the owners thereof, admit the said claim on behalf of the said pronounce the said goods to have belonged as claimed, and decree the said goods to be restored to the claimant for the use of the said the owners thereof.

Issued under the seal of the said Court, this day of

(Signed) *N.O.*,
Registrar.

APPENDIX B.

Fees to be Taken in Prize Matters by the Court and its Officers.

Summonses, Notices, Commissions, and Warrants.

		£	s.	d.
1.	On sealing a writ for commencement of a cause	0	10	0
2.	On sealing an amended writ for commencement of a cause ...	0	2	6
3.	On sealing a subpœna for witnesses, not exceeding three persons	0	5	0
4.	On sealing or issuing a summons	0	3	0
5.	On filing a notice to have a reference to the Registrar placed in the list for hearing	0	10	0
6.	On a notice for the issue of any instrument under the seal of the Court	0	15	0
7.	On sealing or issuing a commission to take oaths or affidavits in prize matters (to be paid by the applicant), for each person appointed thereby	2	0	0
8.	On every other commission or letter of request	1	0	0
9.	On marking a copy of a petition of right for service	0	5	0
10.	On filing a notice to enter or withdraw a caveat	0	5	0

Appearances.

11.	On entering an appearance or amending the same, for each person	0	2	0

Copies.

12.	On a copy of a written deposition of a witness to enable a party to print the same, for each folio	0	0	4
13.	On examining a written or printed copy, and marking or sealing same as an office copy, for each folio	0	0	2
14.	On making a copy and marking same as an office copy, for each folio	0	0	6
15.	On a copy in a foreign language—the actual cost.			
16.	On a copy of a plan, map, section, drawing, photograph, or diagram—the actual cost.			
17.	On a printed copy of an order, not being an office or certified copy, for each folio	0	0	1

Attendances.

18.	On any application, with or without a subpœna, for any officer to attend as a witness, or to produce records or documents to be given in evidence (in addition to the reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from his office	1	0	0

The officer may require a deposit of stamps on account of any further fees, and a deposit of money on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, and the officer or his clerk taking such deposit shall thereupon make a memorandum thereof on the application.

Oaths, &c.

19.	On swearing an affidavit or making a declaration [except for the purpose of receipt of dividends from the Paymaster-General], for each person making the same	0	1	6
20.	And in addition thereto for each exhibit therein referred to and required to be marked	0	1	0

Filing.

	£	s.	d.
21. On filing a petition of right	1	0	0
22. For every instrument or document (other than an exhibit, or any instrument or document previously issued from the Registry or the marshal's office) unless otherwise provided	0	5	0
23. On an application to search for an appearance or an affidavit, and inspecting the same	0	1	0
24. On an application to search an index, and inspect a pleading, judgment, decree, order, minute, or other record, unless otherwise expressly provided for by any Act of Parliament or this order, for each hour or part of an hour occupied	0	2	6
25. Not exceeding one day	0	10	0

Examination of Witnesses.

	£	s.	d.
26. On the issue of an order for an examination to be taken before the Judge, Registrar, or examiner, or for letters of request ...	0	5	0
27. For examining witnesses, except by the Judge or Registrar, *vivâ voce*, per day or part of a day	From 2 to 4	2 4	0 0
28. On an examination of witnesses by any examiner at a greater distance than three miles from the Registry, a reasonable sum for travelling and other expenses in addition			

The officer may require a deposit of stamps on account of fees and a deposit of money on account of expenses which may probably become payable beyond any amount paid for fees and expenses upon the examination, and the officer, or his clerk, taking such deposit shall thereupon make a memorandum thereof and deliver the same to the party making the deposit.

The officer may also require an undertaking, in writing, to pay any further fees and expenses which may become payable beyond the amount so paid and deposited.

	£	s.	d.
29. For the examination of witnesses by the Judge or Registrar, whether by interpretation or not, for each witness	1	0	0
30. For preparing affidavits as to ship papers, for every folio	0	2	6
31. For sorting and numbering ship papers	0	10	0

Hearing.

	£	s.	d.
32. On entering or setting down, or re-entering or re-setting down any cause or matter for hearing	2	0	0
33. On writing for the attendance of Trinity masters or other assessors on the hearing	0	10	0
34. On setting down any petition or a reference	0	10	0

Judgments, Decrees, and Orders.

On drawing up and entering decrees and orders—

	£	s.	d.
35. If made in Court on the hearing of a cause, or on the hearing of a petition	1	0	0
36. If an order of course on a petition of right	0	10	0
37. If an order for a commission on a petition of right	1	0	0
38. On any other order including a consent or agreement filed pursuant to Order XXIII., and filing same	0	5	0
39. On a memorandum to enter an order *nunc pro tunc*	0	5	0

On References before a Registrar.

	£	s.	d.
40. On any reference to the Registrar, including examination of witnesses, if any, having regard to the nature and importance of the accounts and other matters, and to the time occupied	From 1 to 15	1 15	0 0

No.		£	*s.*	*d.*
41.	If the attendance of one or more merchants is required, for each merchant the same fees as to the Registrar	From 1	1	0
		to 15	15	0

In cases of great intricacy, or very large amount, occupying more than one full day, larger fees may be taken

The fees Nos. 40-41 inclusive, shall be paid in the first instance by the party setting down the reference for hearing, as hereinafter provided:

To the notice mentioned in Order XVII., Rule 3, the party setting down shall affix the stamp for the reference, and, if the Registrar shall so require, a deposit in stamps to an amount which in the opinion of the Registrar will cover the reference fees. If any further amount becomes due in respect of the proceedings, such amount shall be paid by the said party on the report of the result of the reference, or if no report is made, on the completion of the proceedings on the reference, or if not completed, a due proportion shall be paid on so much of the proceedings as shall have taken place, the amount to be fixed by the Registrar. Such further amounts shall be paid by stamps impressed upon or affixed to a memorandum stating on what account such fees are paid.

In the Marshal's Office.

No.		£	*s.*	*d.*
42.	On the execution of a warrant or on taking possession of a ship in pursuance of Section 16 of the Naval Prize Act	2	0	0
43.	On the execution of an attachment, for every person attached ...	1	0	0
44.	On the execution of any decree, order, commission, or other instrument, other than those herein provided for, which is required to be executed by a marshal	1	0	0
45.	On attending, appointing, and swearing appraisers	1	0	0
46.	On delivering up a ship or goods to a purchaser agreeably to the inventory	1	0	0
47.	On attending the unlivery of cargo, or sale or removal of a ship or goods, per day	2	0	0
48.	On retaining possession of a ship with or without cargo or of a ship's cargo without a ship, to include the cost of a ship keeper, if required, per day	0	5	0

Any sum above this amount which has necessarily been incurred in the payment of a shipkeeper shall also be recoverable.

The marshal shall be entitled to his reasonable expenses for travelling, board, and maintenance, in addition to the above fees.

No.		£	*s.*	*d.*
49.	On the sale of any vessel or goods sold pursuant to a decree or order of the Court, for every £50 or fraction of £50 gross proceeds realised	0	10	0
50.	On the release of any ship, goods, or person from arrest	1	0	0

Taxation of Costs.

No.		£	*s.*	*d.*
51.	On taxing a bill of costs where the amount allowed does not exceed £4	0	2	0
52.	Where the amount exceeds £4, for every £2 allowed or a fraction thereof	0	1	0

On Proceedings in the Pay Office of the Supreme Court.

No.		£	*s.*	*d.*
53.	On a certificate of the amount and description of any money, funds, or securities, including the request therefor	0	1	0
54.	On a transcript of an account for each opening, including the request therefor	0	2	0

	£	*s.*	*d.*
55. On a request to the paymaster, Bank of England, the Registrar, or other official for any of the following purposes: paying, lodging, transferring, or depositing money, funds, or securities in Court without an order, or money in addition to the amount directed by an order to be paid in; paying out of Court any money without an order or a certificate of a taxing officer; information in writing in respect of any money, funds, or securities, or any transaction in the pay office	0	1	0
56. On a request for information respecting any money, funds, or securities to the credit of any cause or matter contained in any list prepared by the paymaster of causes and matters to the credit of which any money, funds, or securities have not been dealt with during 15 years	0	2	6
57. On an affidavit for the purpose of paying, transferring, or depositing any money, funds, or securities in Court pursuant to the Statute 56 & 57 Vict. c. 53	0	1	0
58. On preparing a power of attorney	0	3	0

Miscellaneous.

	£	*s.*	*d.*
59. On a fiat of a Judge	0	5	0
60. On signing, settling, or approving an advertisement	0	10	0
61. On taking a recognisance or bond whether one or more than one recognisor or obligor, and whether entered into by all at one time or not	0	10	0
62. On assignment of a bond	0	5	0
63. By a commissioner on taking bail	1	1	0
64. On a commitment	0	5	0
65. On registering in the Registry a power of attorney for a King's ship generally and a copy thereof for the accountant general of the Navy	1	10	0
66. On registering same specially	0	10	0
67. On taking accounts by the Registrar in naval prize matters ...	0	5	0

APPENDIX C.

FEES TO BE CHARGED BY AND ALLOWED TO PRACTITIONERS IN PRIZE MATTERS IN THE COURT.

Writs, Warrants, and Summonses.

	£	s.	d.
Writ for the commencement of any cause	0	6	8
Notice of a writ for service out of jurisdiction	0	4	0
Warrant for arrest (including attendance on the marshal)	0	10	0
Subpœna ad testificandum or *duces tecum*	0	6	8
Subpœna ad testificandum for any number of persons not exceeding three	0	6	8
And if more than four folios, for each folio beyond four	0	1	4
Any order or warrant not included in the above	0	6	8
These fees include all indorsements and copies for the officer sealing them, and attendances to issue or seal, except where otherwise provided, but not the Court fees.			
Summons to attend at Judge's chambers	0	3	0
or if special, at taxing officer's discretion, not exceeding	0	13	4
Copy for the Judge, or Registrar, when required	0	2	0
or per folio	0	0	4

Services, Notices, and Demands.

	£	s.	d.
Service, or filing in lieu of service, of any writ, summons, warrant, petition, order, or notice on a party who has not entered an appearance, and if not authorised to be served by post	0	5	0
If served at a distance of more than two miles from the nearest place of business, or office of the solicitor serving the same, for each mile beyond such two miles therefrom	0	1	0
or such reasonable sum for out-of-pocket expenses, and for the time occupied as the taxing officer shall think fit.			
Where, in consequence of the distance of the party to be served, it is proper to effect such service through an agent (other than the London agent), for correspondence in addition	0	7	0
Where more than one attendance is necessary to effect service, or to ground an application for substituted service, such further allowance may be made as the taxing officer shall think fit.			
For service out of the jurisdiction such allowance is to be made as the taxing officer shall think fit.			
Service (where an appearance has been entered) on the solicitor or party	0	2	6
or, if authorised to be served by post	0	1	6
In addition to the above fees, the following allowances are to be made :—			
As to writ, if exceeding two folios, for copy for service beyond such two, per folio	0	0	4
As to summons to attend at the Judge's chambers, for each copy to serve	0	1	0
or per folio	0	0	4
For preparing notice to produce for inspection, or on the hearing of a cause, or notice to admit...	0	5	0
If special or necessarily long, such allowance as the taxing officer shall think proper, not exceeding per folio	0	0	8
And for each copy, not exceeding per folio	0	0	4
For preparing notice of motion	0	6	8
or per folio	0	1	0
Copy for service	0	1	0
or per folio	0	0	4

	£	s.	d.
For preparing any necessary or proper notice, not otherwise provided for	0	1	6
or if special, and necessarily exceeding three folios, for preparing same for each folio beyond three	0	1	0
And for each copy for service, per folio beyond such three	0	0	4
Copies for service of petitions, and of orders with necessary notices (if any) to accompany, per folio	0	0	4

Except as otherwise provided, the allowances for services include copies for service.

Where notice of filing affidavits is required, only one notice is to be allowed for a set of affidavits filed, or which ought to be filed together.

Appearances.

	£	s.	d.
Entering any appearance	0	6	8
If entered at one time, for more than one person, for every party beyond the first	0	1	0

Instructions.

	£	s.	d.
To institute proceedings for condemnation or other proceedings	0	13	4
To appear and claim or defend	0	13	4
For petition or claim under O. III. or on a reference	0	13	4
For answer	0	6	8
For reply	0	6	8
To amend any pleading	0	6	8
For any special case or affidavit, except an affidavit of service for which no fee for instructions shall be allowed	0	6	8
For bail bond	0	6	8
To appeal against order of Judge or Registrar, and to appear thereon	0	13	4
To add parties by order of Judge or Registrar	0	6	8
For counsel to advise on evidence when the evidence in chief is to be taken orally	0	6	8
or not to exceed	1	1	0
For counsel to make any application to the Judge or Registrar where no other brief	0	6	8

or such further allowance as the taxing officer shall consider reasonable, having regard to the nature of the application.

For brief on hearing of a cause, or a reference, or objection to Registrar's report, such fee may be allowed as the taxing officer shall think fit, having regard to all the circumstances of the case, and to other allowances, if any, for attendances on witnesses, procuring evidence, and perusal of documents.

An allowance for instructions for brief may be made if the cause or application has not come on for hearing, if, in the opinion of the taxing officer, it was reasonable that preparation should be made for the hearing of the cause or application.

Drawing Pleadings and other documents.

	£	s.	d.
Petition, claim, or claim on reference	0	10	0
or per folio	0	1	0
Answer	0	5	0
or per folio	0	1	0
Reply, and any other pleading, and amendments of any pleading	0	5	0
or per folio	0	1	0
Notice of motion	0	10	0
Particulars, breaches, and objections, when required, and one copy to deliver	0	5	0
or such amount as the taxing officer may think fit, not exceeding per folio	0	0	8
If more than one copy to be delivered, for each other copy per folio	0	0	4

	£	s.	d.
Special case, admissions and affidavits, per folio	0	1	0
or such further allowance for work, labour, and expenses, in and about the preparation of such documents as the taxing officer in his discretion may think proper.			
Bail bond, including copy	0	6	8
Brief, on trial or hearing of cause, issue of fact, reference, assessment of damages, examination of witnesses, special case or petition before a Judge, Registrar, examiner or officer of the Court, when necessary and proper, including necessary and proper observations, per folio	0	1	0
Brief on motion or summons	0	6	8
or per folio	0	1	0
Accounts, statements, and other documents for the Judge's chambers, when required, not exceeding per folio	0	0	8
Advertisements, including attendance therefor	0	6	8
Bill of costs for taxation, including copy for the taxing officer, per folio	0	0	8

Copies.

	£	s.	d.
Of pleadings, briefs, and other documents where no other provision is made, at per folio	0	0	4
Where, pursuant to Rules or Order of Court, any pleading, special case, or petition of right, or evidence is printed, the solicitor of the party printing shall be allowed for a copy for the printer (except when made by the officer of the Court), at per folio	0	0	4
And for examining the proof print, at per folio	0	0	2
And for printing the amount actually and properly paid to the printer, the amount allowed for in Admiralty actions.			
And in addition for every 20 beyond the first 20 copies, at per folio	0	0	1

And where any part shall properly be printed in a foreign language, or as a fac-simile, or in any unusual or special manner, or where any alteration in the document being printed becomes necessary after the first proof, such further allowance shall be made as the taxing officer shall think reasonable.

The solicitor for a party entitled to take printed copies shall be allowed, for such number of copies as he shall necessarily or properly take, the amount he shall pay therefor.

In addition to the allowances for printing and taking printed copies, there shall be allowed for such printed copies as may be necessary or proper for the following but for no other purposes (*videlicet*).

	£	s.	d.
Of any pleading for delivery to the opposite party, or filing in default of appearance.			
Of any petition of right for presentation, if presented in print, and for the solicitor of the Treasury, and service on any party.			
Of any pleading, special case, or petition of right, for the use of the Judge or Registrar.			
Of any affidavit to be sworn to in print.			
And of any pleading, special case, petition of right, or evidence for the use of counsel in Court, and in country agency causes when proper to be sent as a close copy for the use of the country solicitor at per folio	0	0	2

Such additional allowances for printed copies for the Judge or Registrar, and for counsel, are not to be made where written copies have been made previously to printing, and are not in any case to be made more than once in the progress of the cause.

Close copies, whether printed, typed, or written, are not to be allowed as of course, but the allowance is to depend on the propriety of making or sending the copies, which in each case is to be shown and considered by the taxing officer.

	£	s.	d.
Inserting amendments in a printed copy of any pleading, special case, or petition of right, when not reprinted	0	1	0
or per folio	0	0	4

Perusals.

	£	s.	d.
Of petitions, answer, reply, claim on reference, and other pleading by the solicitor of the party other than the party filing or delivering the same	0	6	8
or per folio	0	0	4
Of amendment of any such pleading in writing	0	6	8
or per folio	0	0	4
If same reprinted	0	6	8
or per folio of amendment	0	0	4
Of interrogatories to be answered by a party by his solicitor	0	6	8
or per folio	0	0	4
Of notice to produce on hearing of cause or examination of witnesses, and notice to admit by the solicitor of the party served	0	6	8
or if to admit facts, per folio	0	1	0
Of affidavits by the solicitor of the party against whom the same can be read per folio	0	0	4

Attendances.

	£	s.	d.
To deliver, or file in lieu of delivery, any pleading and a special case...	0	3	4
To file any document or instrument, or notice of motion, including the minute	0	6	8
To inspect, or produce for inspection, documents pursuant to a notice to admit	0	6	8
or per hour	0	6	8
To examine and sign admissions	0	6	8
To obtain or give any necessary or proper consent	0	6	8
To obtain an appointment to examine witnesses	0	6	8
In the marshal's office, on leaving with him any instrument required to be served by him	0	6	8
On examination of witnesses before any examiner, commissioner, officer, or other person	0	13	4
or according to circumstances, not to exceed	5	5	0
On deponents being sworn, or by a solicitor or his clerk to be sworn, to an affidavit in answer to interrogatories or other affidavit ...	0	6	8
When there are several deponents, or it is necessary for the purpose of an affidavit being sworn to go to a distance beyond two miles, or to employ an agent, the taxing officer may make such further allowance as he shall consider reasonable.			
On a summons at judges' chambers	0	6	8
or according to circumstances, not to exceed	1	1	0
On counsel with brief or other papers—			
If counsel's fee one guinea	0	3	4
If more and under five guineas	0	6	8
If five guineas and under 20 guineas	0	6	8
If 20 guineas	0	13	4
If more, for each 10 guineas or part thereof above 20 guineas ...	0	6	8
On consultation or conference with counsel	0	13	4
To enter or set down cause or special case, for hearing or trial ...	0	6	8
In Court on every motion, each day	0	6	8
On same when heard, each day	0	13	4
or according to circumstances, not to exceed	5	5	0
On hearing or trial of any cause, or matter, or issue of fact, or on assessment of damages, when in the paper or when heard or tried, each day	0	13	4
or according to circumstances, not to exceed	5	5	0
If the solicitor does not carry on business in the town in which the Prize Court sits, the Registrar may in his discretion allow him for each day he is necessarily absent from his place of business any sum not exceeding, per day	5	5	0
And expenses (besides actual reasonable travelling expenses) each day, including Sundays, not exceeding	1	1	0
If the solicitor has to attend on more than one hearing or assessment at the same time and place the expenses in such case to be rateably divided.			

	£	s.	d.
To hear judgment when same adjourned	0	6	8
or according to circumstances, not exceeding	1	1	0
Before the Registrar or before the Registrar and merchants, on a reference ... ... From £1 1*s.* to	5	5	0
To deliver papers (when required) for the use of a Judge prior to a hearing	0	6	8
On taxation of a bill of costs	0	6	8
or according to circumstances, not to exceed	3	3	0
To pay reference fees	0	6	8
To arrange for and on completion of bail papers	0	13	4
To enquire as to sufficiency of sureties, in respect of each surety ...	0	6	8
or such further amount as the taxing officer may think reasonable, if any special enquiries have been made.			
Inspecting bail papers when filed	0	6	8
To obtain or give an undertaking to appear	0	6	8
On printer to insert advertisements, or for any other necessary purpose	0	6	8
On Registrar to certify that a cause set down is settled, or for any reason not to come into the paper for hearing	0	6	8
To advise, or receive instructions from, a client, where rendered necessary by anything done by an opposite party during the progress of a cause or matter, for each attendance	0	6	8
or such further allowance as the taxing master shall consider reasonable.			
On any other attendance (whether before the Judge in chambers, before the Registrar, a commissioner, examiner, or the marshal, or upon a witness or a party or his solicitor) which the taxing officer shall deem necessary, and for which a fee has not been specially provided ...	0	6	8

Oaths and Exhibits.

Commissioners to take oaths or affidavits. For every oath or declaration	0	1	6
The solicitor for preparing each exhibit	0	1	0
The commissioner for marking each exhibit	0	1	0

Letters.

For every letter written by the solicitor which does not fall under the head of instructions for brief, and which the taxing officer shall deem reasonable and necessary	0	3	6
or according to circumstances not to exceed	0	5	0
For every letter in the nature of a notice sent by a solicitor to his own client or any other person	0	1	6
And in addition, in respect of correspondence between a solicitor and his client, other than correspondence allowed for by the taxing officer under the head of instructions for brief, for every letter which the taxing officer shall deem reasonable and necessary ...	0	3	6
or according to circumstances not to exceed	0	5	0

In addition to the above an allowance is to be made for the necessary expense of postages, carriage, and transmission of documents.

Evidence.

As to evidence such just and reasonable charges and expenses as appear to have been properly incurred in procuring evidence and attendance of witnesses are to be allowed.

Counsel.

Fees to counsel shall be allowed in cases where such fees would be allowed in like proceedings in Admiralty business and to the like amount, provided that, as to refresher fees, the taxing officer shall allow such fees as in his discretion he shall consider reasonable.

Bail.

The commission or fee paid to persons becoming sureties to bail bonds or otherwise giving security may be allowed provided that the amount thereof shall not in the aggregate exceed one pound per centum.

General.

On every taxation the taxing master shall allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice, or for defending the rights of any party, but save as against the party who incurred the same no costs shall be allowed which appear to the taxing master to have been incurred or increased through over caution, negligence, or mistake, and the fees herein-before mentioned are subject to this general rule.

In addition to the fees herein-before mentioned, the taxing officer may allow to the solicitor such remuneration as he may consider just and reasonable, in respect of work and labour, which is not specifically provided for by the above scale, and which in the opinion of the taxing officer was reasonably necessary for the conduct of the cause or matter.

INDEX.

References in Ordinary Type *are to the pages where* Rules *or* Fees *will be found; those in* **Thick** Type *are to the pages where* Forms *will be found.*

- **Abridgment,** of time, 294.
- **Addition,** of party to appeal, 298, 299.
- **Address,** for service, 294, 301, 303.
- **Admiralty,** droit of, **305, 333.**
  - Lords of, service of notice on, 292.
  - requisition by, 286, 287.
- **Admission,** of documents and facts, 268, **315.**
  - of appeal, 297.
  - *See also* **Pleadings.**
- **Admit,** notice to, **314, 315.**
- **Advertisement,** service by, 264, 293.
- **Affidavits,** by blind and illiterate persons, 281.
  - of discovery, 268, **313.**
  - in distribution and investment, 292.
  - filing and service of, 282.
  - form of, 281, **329.**
  - in joint capture, when required 289.
  - interpreter does not sign, 330.
  - of justification by surety, 271, **323.**
  - to lead warrant of arrest, 269, **316.**
  - of officers of captor ship, 274.
  - printing of, 283.
  - in prize bounty, 291.
  - of service, 275, **305.**
    - of subpœna, 283.
  - as to ship papers, 265, 266, **306, 307.**
    - as evidence, 274.
    - filing of, 294.
  - swearing of, 281.
  - of value in prize salvage, 287, **339.**
    - default in filing, 287.
- **Agency,** naval, 291, 292.
- **Agent,** claim by, **304.**
  - costs and remuneration of ship's 291, 292.
- **Agreement,** effect of, 282.
  - of value in prize salvage, 287, **339.**
    - no release until, 272, 273.
- **Alien enemy,** writ issued by, 264.
  - appearance by, 265.
- **Ally,** conjunct capture with, 288, 289.
  - marshal in ports of, 295.
- **Appeal,** admission of, 297–99.
  - change of status of party to, 298, 299.
  - death of party to, 298, 299.
  - dismissal of, 297, 298.
  - failure to prosecute, 298.
  - leave to, 297, 298.
    - special, 298.
  - notice of, 297.
  - from Registrar, 280.
  - stay of execution pending, 298.
  - taxation of costs of, 299.
  - withdrawal of, 298.
- **Appeals,** 297–99.
  - consolidation of, 298.

Appearance, default of, condemnation in, 275.
        in prize salvage, 287, 288.
        service where, 293.
    entry of, 264, 265, **303.**
        in joint capture, 290
Application, for certificate, 296.
    in chambers, may be heard by Judge, 280.
    for distribution or investment, 291, 292.
    for enlargement or abridgement of time, *ex parte*, 280.
    for leave to appeal, 297.
    to share in prize, 290.
Appraisement, certificate of, 270, **317.**
    commission of, 270, **316.**
        on requisition, 286, **338.**
    in prize salvage, 287.
    release without, 287.
    on requisition, 286.
    on restitution, 285.
Arrest, in default of payment, 288.
    at instance of crown, release where, 272.
    in prize salvage, decree where ship is under, **333.**
        entry of caveat against, 273.
    sale of property under, 284.
    of ship of war, 270.
    warrant of 269, 270, **315, 316** (*and see* **Warrant.**)
Assessors, 277.
Attachment, matters relating to, 280.

Bail, 271, 272.
    where caveat entered in prize salvage, 273.
    execution against, 288.
    notice of, 271, **323.**
    order for payment against, 288.
    release on, 272, 285, **334.**
    who may not take, 271.
Bail bond, 271, 272, 294, **322.**
    surety to, affidavit by, 271, **323.**
        objection to, 272, **323.**
Bill of sale, certificate on, 296.
    forms of, **317-320.**
British Possession, cause instituted in, payment into Court in, 284.
    enforcement of orders of Court in, 285.
    procedure in regard to time in, 294.
    rules of Court in, application of, 279, 283.

Captor, definition of, 261.
Captors, conduct of proceedings by, 263.
    conflicting claims between, 289, 290.
    failure to proceed by, 266.
    writ in cause against, 263, **302.**
Cargo, restitution of, 285.
    sale of, 285, 296.
Cause, against captor, writ in, 263, **302.**
    claim by same persons in different, 275.
    for condemnation. *See* **Condemnation.**
    heading and title of, 262, 263, **300.**
    institution of, 262-264, 295.
    not instituted, proceedings where, 266.

Caveat, entry of, against arrest in prize salvage, 273.
by person not a party, 274.
against payment out of Court, 274, 296, **325, 326.**
against release, 272, 274, 296, **325.**
against warrant of arrest, 273, 296, **324, 325.**
when may be over-ruled, 273, 274.
withdrawal of, 274, 296, **326.**
Certificate of appraisement, **317.**
of condemnation, 296, **340, 341.**
of release, **324.**
of restitution, 296, **341, 342.**
of sale, 296, **340, 341.**
of service, 293, 294, **339.**
Certified copies, of orders and decrees, 296.
Claim, condemnation in default of, 275.
of flag officer, 289, 299.
in joint capture, time limit for, 290.
for prize bounty, 291.
in prize salvage, default of, 287.
by same persons in different causes, 275.
who may make, 261, 266.
Claims, of captors, conflicting, 289, 290.
forms of, **303–305.**
Commission of appraisement and sale, 270, **316.**
on requisition, 286, **338.**
to examine witnesses, 276, **326.**
return to, **327.**
issue of, 292.
Commissioner of oaths, 271, 281, 282.
Committal, 293.
Condemnation, cause for, evidence and hearing, 274–277.
institution and conduct of, 263.
joint capture in, 290.
pleadings in, 267, **307–309.**
writ in, **300, 301.**
certificate of, 296, **340, 341.**
decrees on, **331–334.** *See also* **Decrees.**
in default of appearance or claim, 275.
release of property subject to, 272.
sale before, enforcement of decree where, 284.
Consents and agreements, effect of, 282.
for release, 272.
Consolidation of appeals, 298.
Consular officer, 261, 264, 281.
Contempt of Court, 276, 283.
Contract for sale, 296, **320, 321.**
Copies of documents, 283.
of orders and decrees, certified, 296.
of record, 298.
Costs, of appraisement, sale, &c., 271.
where caveat entered, 273, 274.
in conflicting claims between captors, 290.
in discretion of Judge, 278, 279.
Registrar, when not, 280.
enforcement of decree as to, 284.
flag officer does not pay, 290.
how affected by release, 272.
in joint capture, 290.
of practitioners, 297, 347–352.
of reference, 278.
security for, 279.
in appeals, 297.
in conflicting claims, 290.
flag officer does not give, 290.
in joint capture, 289.

Costs—*cont.*
  taxation of, 279.
    of appeal, 299.
    of officers and crew, 292.
    of ship's agents, 292.
Council, His Majesty in, appeals to, 297–299.
    enforcement of orders of, 285, 299.
Court, definition of, 261.
  fees taken by, 297, 343–346.
  ordinary jurisdiction of, 294, 295.
  records of, 295.
Cross-examination, 276, 292.
Crown, proceedings on behalf of, 263.
  represented by proper officer, 262, 263, 275, 296.
  rules referring to, 269, 272, 277, 286, 287, 290.
Custody of prize, by marshal, 295.
Customs officer, may act for marshal, 295.

Damages, how affected by release, 272.
Death, of party to appeal, 298, 299.
Declarations, in lieu of oaths, 282, **330.**
Decrees, 297.
  certified copies of, 296.
  enforcement of, 284, 285, 288.
  minutes of, 296.
  forms of, **331–338.**
    on condemnation, where claim made, **331.**
      by default, **331.**
      as Droit of Admiralty, **333.**
      of neutral ship, **332.**
      where ship destroyed, **332.**
      of ship of war, **331.**
      of ship, restoring cargo, **332.**
  for detention, **331.**
    on condemnation by default, **331.**
  in joint capture, admitting or dismissing petition, **335.**
    reserving question by whom taken, **335.**
    as to title to share, **335, 336.**
  in joint recapture, pronouncing for joint title, **336.**
    rejecting claim, **337.**
    reserving question to whom due, **336.**
  in prize bounty, **337.**
    on claim after bounty awarded, **337.**
    on claim before title declared, **337.**
    on condemnation of ship of war, **331, 332.**
    reserving question to whom due, **338.**
  in prize salvage, on prosecution of voyage, **335.**
    where ship under arrest, **333.**
    where ship released on bail, **334.**
    where ship restored, but not cargo, **334.**
    where value sworn or agreed, **334.**
  on restoration, **332.**
    of ship, condemning cargo, **333.**
    of neutral ship, condemning cargo, **333.**
Depositions, printing of, 283.
  use of, in different cause, 275.
  of witnesses examined before hearing, 275.
Destroyed, decree on condemnation where ship, **332.**
  writ where ship, 263, **301.**
Detention, 286.
  before service of warrant, 270.
  costs of, in joint capture, 289.
  decrees for, **331.**

Diplomatic channel, service through, 264.
Disability of person to be served, 293.
Discontinuance of proceedings, 267, 272, 273, **307.**
Discovery of documents, 268, **313.**
Distribution of prize moneys, 291, 292.
Documents, copies of, 283.
discovery of, 268, **313.**
filing of, 294, 297.
inspection of, 283.
minutes of, 295, **339.**
notices to admit and produce, 268, **313, 314.**
service of, 292, 293.
translation of, 276, 277.
Droit of Admiralty, claims for, **305.**
decree on condemnation as, **333.**

Enforcement, of decrees and orders, 284, 285, 299.
Enlargement, of time, 294.
Evidence, in cause for condemnation, 274–77.
must be certified as correct, 276.
in distribution or investment, 292.
before hearing, transcript of to be printed, 283.
in joint capture, 290.
on objection to Registrar's report, 278.
in prize bounty, 291.
at reference, 278.
refusal to give, on subpoena, 283.
to be taken in writing, 276.
Examination, of witnesses before hearing, 275.
commission for, 276, **326.**
return to, **327.**
conduct of, 276.
minutes of, 295, 296, **340.**
notice to produce at, **314.**
out of jurisdiction, 276, **326, 327.**
in prize bounty, 291.
in proceedings for distribution, 292.
Examiner, may examine witness before hearing, 275.
Execution, against bail, 288.
stay of, pending appeal, 298.
Ex parte, applications and orders, 280.
Expenses, *see* **Costs** and **Fees.**

Facts, admission of, **315.**
Fees, taken by the Court, 297, 343–46.
to be paid before release, 273.
of practitioners, 297, 347–52.
of Trinity Masters or assessors, 27
Filing, of affidavits, 282.
of affidavit or agreement of value, default in, 287.
of documents, 294, 297, **339.**
in lieu of service, 293.
of Registrar's report, 278.
Flag officer, claims of, 289, 290.
costs not paid by, 290.
Foreign country, service in, 264, 293.
Forms, 297, 300–342.
Freight, enforcement of decree in respect of, 284, 285.
included in term 'ship,' 262.

Goods, included in term 'ship,' 262.
sale of, 296.

Hearing, of cause for condemnation, 274–277.
  by default, in prize salvage, 288.
  in joint capture, 290.
  of motion or summons, 280.
  notice to produce at, **314.**
High Court, rules of, application of, 262, 279, 283, 285, 294.
High Court of Admiralty, practice of, 299.
Holidays, proceedings during, 295.
Hours of business at Registry, 295.

Inspection of documents, 268, 283.
  notice to produce for, **313.**
  of prize, 271.
Institution of cause, 262, 263, 295.
Instruments, execution and service of, 292, 293, 295.
Interlocutory applications, 279, 280.
Interpreter, appointment of, 277.
  may take down affidavit of foreigner, 281.
  need not sign affidavit, 330.
  oaths to be administered to, **330.**
Interrogatories, discovery by, 275.
Investment of prize moneys, 291, 292.

Joint capture, 289, 290.
  claim of, in prize bounty, 291.
  costs in, 290.
  decrees in, **335, 336** (*and see* **Decrees**).
  institution of cause of, 289.
  pleadings, 289, 290, **311.**
  time limit for claim in, 290.
  writ in, 263, 289, **302.**
Joint recapture. *See* **Joint capture.**
  decrees in **336, 337** (*and see* **Decrees**).
Judicial Committee, appeals to, 297–299.
  enforcement of orders of, 285, 299.
Jurisdiction, affidavits sworn out of, 281.
  ordinary, exercise of, 285, 294, 295.
  service out of, 264, 293, 295, **303.**
Justification, affidavit of, **323.**

Land expeditions, 288, 289.
Liberty of subject, matters relating to 280.
Lords of Admiralty, service on, 292.
  requisition by, 286, 287.
Lost, where ship or goods. (*See* **Destroyed.**)

Marshal, accounts of, 270, 271, **321, 322.**
  definition of, 261.
  duties of, 295.
  fees due to, on release, 273.
  instruments executed by, 293.
  release to be lodged with, 273.
  service by, 263, 293.
  substitute of, 295.
Merchants, assistance of, at reference, 277.
Minute book, 295, 296.
  of examination of witnesses, **340.**
  on filing documents, 294, **339.**

Motion, applications to be made by, 279.
hearing of, and order on, 280.
notice of, 280, **329.**
for distribution or investment, 292.
for requisition, 286, **338.**
in objection to Registrar's report, 278.
service of, 280.

Naval agency, 291, 292.
Neutral Government, claim by, **304.**
ship, condemnation of, decree on, **332.**
issue of writ in respect of, 264.
restoration of, decree condemning cargo, **333.**
no requisition of, 286.
Notary public, signature of, 281.
Notice to admit, 268, **314, 315.**
of appeal, 297.
of bail, **323.**
for caveat payment, **325.**
release, **325.**
warrant, **324.**
of claim for prize bounty, 291.
of discontinuance, **307.**
of hearing, 275.
for hearing of reference, 277.
in lieu of service, 264, 293, **303.**
of motion, form of, 280, **329.**
for distribution or investment, 292.
in objection to Registrar's report, 278.
for requisition, 286, **338.**
service of, 280.
of objection to Registrar's report, 278, **329.**
surety, **323.**
to produce documents, 268, **313, 314.**
to proper officer, 296.
from Registry, 294.
of requisition, 286, **338.**
service of, 293.
of withdrawal of caveat, **326.**

Oaths, commissioner of, 281, 282.
declarations in lieu of, 282, **330.**
form and manner of, 282, **330.**
who may administer, 282.
Objection to Registrar's report, 292.
evidence on, 278.
notice of, 278, **329.**
notice of motion in, 278, **307.**
pleadings in, 278, **312.**
to surety, notice of, **323.**
Office copies, of documents, 283.
of order for committal, 293.
Officers, affidavits of, 274.
and crew, taxation of costs of, 292.
Orders for certificates, 296.
certified copies of, 296.
confirming Registrar's report, 278, **328.**
for committal, service of, 293.
of Court, consent or agreement may be, 282.
disobedience to, 276, 293.
enforcement of, 284, 285, 299.
ex parte, 280.
general form of, **330.**

Orders—*cont.*
  of Judge, as to evidence and hearing, 275.
  minutes of, 296.
  on motion or summons, 280.
  for particulars, 267, 268, **312.**
  for payment out of Court, 284.
  service of, 293.
  variation of, 280.
Owner, claim by, **304.**
  definition of, 261.
  execution against, 288.

Particulars, order for, 267, 268, **312.**
Parties, substitution or addition of, to appeal, 298, 299.
  who may be, 264, 265.
Payment, into and out of Court, 284.
  out of Court, caveat against, 274, **325, 326.**
    decree enforced by, 288.
Petition. (*See* **Pleadings.**)
Pleadings, amendment of, 267.
  on application for distribution or investment, 292.
  forms of, **307–312.**
  general rules as to, 267.
  in joint capture, 289, 290, **311.**
  in objection to Registrar's report, 278, **312.**
  in prize salvage, **309, 310.**
  printing of, 283.
  service of, 293.
Practitioners, fees to be charged by, 347–352.
President, definition and powers of, 262, 292, 293, 295, 299.
Printing, rules as to, 282, 283, 298.
Privy Council, appeals to, 297–299.
  enforcement of orders of, 285, 299.
Prize bounty, claim of joint captors in, 291.
  decrees in **331, 332, 337, 338** (and *see* **Decrees**).
  distribution and investment of, 291, 292.
  procedure in claim for, 291.
Prize money, 288.
  distribution and investment of, 291.
Prize proceeds, applications to share in, 290.
  distribution and investment of, 291, 292.
Prize salvage, 287, 288.
  affidavit and agreement of value in, **339.**
  applications to share in, 290.
  bail where caveat entered in, 273.
  bail bond given in, release where, 272.
  cause of joint capture in, 290.
  decrees in **333, 335** (and *see* **Decrees**).
  dismissal of claim in, release where, 272, 273.
  distribution and investment of, 291, 292.
  entry of caveat against arrest in, 273.
  pleadings in, 267, **309, 310.**
  release in, 272, 273.
  where ship under arrest, 288.
  to whom paid, 288.
  writ in, 263, **302.**
    where caveat entered, 273.
Proceedings, by Crown. (*See* **Crown.**)
  discontinuance of, 267.
  in case of failure to proceed, 266, 278, 298.
  stay of, appeal from Registrar is no, 280.
    pending security for costs 279.
    requisition is no, 287.

Process, issue of, fees to be paid before, 297.
Produce, notice to, 268, **313, 314.**
Proper officer, definition of, 262.
  duties of, in release, 272.
    requisition, 286.
  examination by, 275.
  notice to, 296.
    in prize bounty, 291.
  payments to be credited to, 284.
Prosecution, of voyage, decree on, in prize salvage, **335.**
    by recaptured ship, 287.

Re-capture, 261, 287.
  joint, pleadings in, **311.**
    writ in, **302.**
Record, certified copy of, 298.
  defective, 298, 299.
  definition of, 297.
  preparation of, 298.
  printing of, 298.
  transmission to Privy Council, 298
Records of the Court, 295.
Reference to the Registrar, 277, 278.
  by ship's agent, 292.
Refusal to give evidence on subpœna, 276, 283.
Registrar, appeal from, 280.
  authority and jurisdiction of, 280.
  certificates by, 296.
  costs not in discretion of, 280.
  definition of, 262.
  duties of, 297.
  may administer oaths, 282.
  to notify claimant of report, 278.
  payment into Court made to, 284.
  reference to, 277, 278.
  report of, 278, **328.**
    costs dealt with in, 278.
    objection to, 292.
      evidence on, 278.
      notice of, 278, **329.**
      pleadings in, 267, 278, **312.**
    order confirming, 278, **328.**
  to send notice of hearing, 275.
  to supervise record, 298.
  to be taxing officer, 279.
  urgent cases provided for by, 295.
Registry, books kept in, 295, 296.
  documents filed in, 277, 282, 294.
    issued from, 292, 294.
  fees to be paid into, 297.
  filing in, in lieu of service, 293.
  hours of business at, 295.
  notices from, 294.
  notice of caveats to be filed in, 273, 274.
Release, 272, 273, **324** (*see also* **Restitution**).
  on bail, decree in case of, in prize salvage, **334.**
      enforcement of, 285.
  caveat against, 274, **325.**
  certificate of, 273, **324.**
  consent for, 272.
  costs and damages, how affects, 272.
  on failure to proceed, 266.
  issue of, 272, 292.

Release—*cont.*
  lodged with marshal, 272.
  in prize salvage, 272, 273.
  on requisition, 273, 286, 287.
  on restitution, 285.
  on security, 288.
  without appraisement, 287.
Removal of goods (*see also* **Destroyed**), **316.**
Request, to examine witness out of jurisdiction, 276, **326.**
Requisition by Admiralty, 286, 287.
  commission of appraisement on, 286, **338.**
  of neutral ship, no, 286.
  notice of, 286, **338.**
  notice of motion for, *286*, ***338.***
  releases on, application of rules to, 273.
Restitution, of cargo, 285.
    decree of, condemning ship, **332.**
  certificate of, 296, **341, 342.**
  consent to, release where, 272.
  decree on, 285, **332.**
  where failure to proceed, 266.
  of neutral ship, decree condemning cargo, **333.**
  release on. *See* **Release.**
  of ship, decree condemning cargo, **333.**
    in prize salvage, **334.**
  writ in cause for, 263, **302.**

Sale, 270, 271.
  before condemnation, enforcement of decree where, 284.
  bills of, **317–320.**
    certificate on, 296.
  by public auction, 270.
  of cargo, proceeds of, 285.
  certificate of, 296, **340, 341.**
  commission of, **316.**
  contract for, and conditions of, 296, **320, 321.**
  on decree of restitution, 285.
  on default, 288.
  of property under arrest, 284.
Salvage. *See* **Prize salvage.**
Seal of Court, when required, 281, 292, 298.
Security for costs. *See* **Costs.**
  release on, 288.
  required in appeals, 297, 298.
Service address for, 293, 294, 301, 303.
  by advertisement, 264, 293.
  affidavit of, 275, **305.**
  of affidavits, 282.
  certificate of, 263, 293, 298, **339.**
  in default of appearance, 293.
  through diplomatic channel, 264.
  in case of disability, 293.
  of instruments and documents, 292–95.
  notice in lieu of, 264, 293, **303.**
  of notice on Lords of Admiralty, 292
    of motion or summons, 280.
    in prize bounty, 291.
    of requisition, 286.
  of order for committal, 293.
  out of jurisdiction, 264, 293, 295, **303.**
  on person entering caveat, 274.
  personal, when required, 293.
  of pleadings, 264, 289, 292, 293.

Service—*cont.*
substituted, 263, 264, 293.
of summons for reference, 292.
of subpœna, 283.
time of, 293, 294.
of writ in condemnation, 263.
Ship. *See* **Arrest, Sale,** &c.
goods and freight included in term, 262.
neutral, 264, 286, **332, 333.**
of war, 262, 270, 288.
condemnation of, evidence in cause for, 274.
decree on, **331.**
Ship's agents, 291, 292.
Ship-keeper, 286.
Ship papers, affidavits as to, 265, 266, 298, **306, 307.**
definition of. *See* NAVAL PRIZE ACT, 1864.
evidence in cause for condemnation, 274.
filed in one cause, used in another, 275.
inspection and copies of, 268.
translation of, 276, 277.
Shorthand writer, notes of, 276, 278.
oath to be administered to, **330.**
Sold note, certificate on, 296.
Solicitor, affidavits sworn before, 281.
Stamps, fees taken by, 297.
Status, change of, by party to appeal, 298, 299.
Stay, of execution, pending appeal, 298.
of proceedings, appeal from Registrar is no, 280.
pending security for costs, 279.
requisition is no, 287.
Subpœna, disobedience to, 276, 283.
issue and form of, 283.
Substitute of marshal, 295.
Substituted service, 264, 293.
Substitution of party to appeal, 298, 299.
Summons, applications to be made by, 279, 280, **329.**
for reference, by ship's agent, 292.
service of, 280, 293.
Surety. *See* **Bail bond.**
Survey, to be effected by marshal, 270, **316**

Taxation of costs. *See* **Costs.**
Time for appeal, 297, 298.
enlargement or abridgement of, 294.
for service, 294.
Transcription of documents, notice to produce for, **313.**
Translation of documents, 276, 277.
Trinity Masters, as assessors, 277.

Unlading of goods, 270, 271.

Value, in prize salvage, affidavit and agreement of, 287, **339.**
dissatisfaction with, 287.
no release until agreed, 272, 273.
sworn or agreed, decree where, **334.**
where no appraisement, 287.
Voyage, prosecution of, by recaptured ship, 287, **335.**

Warehousing of goods, 270, 271.
Warrant of arrest, 269, 270, **315, 316.**
    affidavit to lead, 269, **316.**
    caveat against, 273, 296, 324, 325.
        costs where, 273, 274.
    detention before service of, 270.
    issue and service of, 269, 270, 292, 295.
Witnesses, examination of, before hearing, 275.
        commission for, 276, **326.**
            return to, **327.**
        conduct of, 276.
        minutes of, 295, 296, **340.**
        notice to produce at, **314.**
        out of jurisdiction, 276, **326, 327.**
        in prize bounty, 291.
        in proceedings for distribution, 292.
    oaths and declarations of, **330.**
Writ in cause for condemnation, 263, **300, 301.**
        against a captor, 263, **302.**
        of joint capture, 263, 289, **302.**
        of prize salvage, 263, 287, **302.**
        where ship destroyed or lost, 263, **301.**
    issue of, 263.
        on application of alien enemy, 264.
        in respect of neutral ship, 264.
    service of, 263.
        out of jurisdiction, 264.
        on party entering caveat, 273.

NOTICE OF PROPOSAL TO SUBMIT THE "PROVISIONAL" "PRIZE COURT RULES, 1914," FOR MAKING AS STATUTORY RULES.(**a**)(**b**)

Privy Council Office, 7th August, 1914.

PRIZE COURTS ACT, 1894.

Notice is hereby given that, after the expiration of forty days from the date hereof, it is proposed to submit to His Majesty in Council the draft of an Order in Council approving new Rules of Court for regulating Prize Proceedings.(**a**)

By Order in Council of the 6th August, 1914,(**b**) the said Rules were approved as *provisional* Rules under section 2 of the Rules Publication Act, 1893.(**d**)

Notice is hereby further given that, in accordance with the provisions of the last-named Act, copies of the proposed Rules can be obtained by any public body, within forty days of the date of this notice, at the Privy Council Office, Whitehall.

(**a**) "The Prize Court Rules, 1914," were made as Statutory Rules by Order in Council of September 17th, 1914, printed at p. 365 below.

(**b**) In this Notice, as published in the "London Gazette" of August 7th, 1914, "6th August" is a clerical error for "5th August." *See* Order in Council of that date, printed at p. 256 above.

(**c**) 56 & 57 Vict. c. 66.

ORDER IN COUNCIL PRESCRIBING THE RULES AND TABLES OF FEES TO BE OBSERVED AND TAKEN IN PRIZE PROCEEDINGS ("THE PRIZE COURT RULES, 1914") AS "STATUTORY RULES."

1914. No. $\frac{1407}{\text{L. } 35}$.

At the Court at Buckingham Palace, the 17th day of September, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by section three of the Prize Courts Act, 1894, His Majesty in Council is authorized to make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and the said Act, the procedure and practice of prize courts within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein:

And whereas by section five of the Naval Prize Act, 1864, it is provided that every appeal from a prize court within the meaning of that Act shall be made in such manner and form and subject to such regulations (including regulations as to fees, costs, charges, and expenses) as may for the time being be directed by Order in Council:

And whereas in pursuance of the Prize Courts Act, 1894, certain rules were made by Orders in Council dated the 18th day of July, 1898, and the 20th day of October, 1898:

And whereas it is expedient that the rules hereinafter set out should be made, and should be substituted for the rules so made:

And whereas the provisions of section one of the Rules Publication Act, 1893, have been complied with:

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said Act or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the rules hereinafter set forth(**a**) shall as from the date on which they are expressed to come into operation(**b**) have effect and shall be substituted for the rules made by the said

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(**a**) These Rules are in identical terms with those prescribed by the Order in Council of August 5th, 1914, and printed at pp. 261-352 above. The Rules were amended by Order in Council of September 30th, 1914, printed at p. 366 below, which took effect provisionally. *See also* Notice of October 2nd, 1914 (printed at p. 367 below), of proposal to make the amending Rules of September 30th as "Statutory Rules" in accordance with Section 1 of the Rules Publication Act, 1893 (56 & 57 Vict. c. 66).

(**b**) *See* Order XLVI. of the Rules printed at p. 299 above.

Orders in Council dated the 18th day of July, 1898, and the 20th day of October, 1898, and the last mentioned rules are as from the same date hereby revoked.

Almeric FitzRoy.

ORDER IN COUNCIL AMENDING THE RULES TO BE OBSERVED IN PRIZE PROCEEDINGS.

At the Court at Buckingham Palace, the 30th day of September, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by Section three of the Prize Courts Act, 1894,(**a**) His Majesty in Council is authorized to make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864,(**b**) and the said Act, the procedure and practice of prize courts, within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein:

And whereas in pursuance of the Prize Courts Act, 1894, certain rules were made by His Majesty's Order in Council dated the 5th day of August, 1914: (**c**)

And whereas it is expedient that the said rules should be amended:

And whereas on account of urgency this Order should come into immediate operation:

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said Act or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. That in Order XXVIII. (Detention) of the said Rules, Rule 3(**d**) shall be omitted and this omission shall be retrospective and shall take effect as if the said Rule had never been inserted in the said Rules.

2. That in Order XXIX. (Requisition by Admiralty) (**e**) of the said Rules the following words shall be omitted:—

In Rules 1 and 3 the words "on motion."

In Rule 1, the words "Form of notice of motion will be found in Appendix A. No. 54."

In Rule 4, the words "by motion."

(**a**) 57 & 58 Vict. c. 39.

(**b**) 27 & 28 Vict. c. 25.

(**c**) This Order in Council is printed at p. 256 above.

(**d**) Printed at p. 286 above.

(**e**) These words are italicised in Order XXIX. as printed at pp. 286, 287 above.

3. That the following Rules shall be added to the aforesaid Order XXIX., after Rule 4 thereof:—

4A. Notwithstanding anything contained in this Order, the Court shall on the request of the proper Officer of the Crown accept in lieu of payment into Court an undertaking in writing signed by the proper Officer of the Crown for payment into Court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under Rule 4 of this Order, as the case may be, at such time or times as the Court shall declare by Order that the same or any part thereof is required for the purpose of payment out of Court.

4B. Where in any case of requisition under this Order it is made to appear to the Judge on behalf of the Crown that the Lords of the Admiralty desire to requisition the ship temporarily, the Court may, in lieu of an Order of Release, make an Order for the temporary delivery of the ship to the Lords of the Admiralty, and subject as aforesaid the provisions of this Order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the Court, the Court may make such Order as it thinks fit for the return to the Crown of the money paid into Court, or some or any part thereof, or the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII. r. 1 relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered during such temporary delivery as aforesaid.

4. That Form No. 54(**a**) in Appendix A. to the said Rules shall be omitted.

5. This Order shall take effect provisionally in accordance with the provisions of section two of the Rules Publication Act, 1893, from the date hereof.

Almeric FitzRoy.

NOTICE OF PROPOSAL TO SUBMIT THE "PROVISIONAL" RULES, AMENDING THE PRIZE COURT RULES, FOR MAKING AS "STATUTORY RULES."(**b**)

Privy Council Office, 2nd October, 1914.

PRIZE COURTS ACT, 1894.

Notice is hereby given that, after the expiration of forty days from the date hereof, it is proposed to submit to His Majesty in Council the Draft of an Order in Council for the amendment of the Rules of Court regulating the procedure and practice of

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(**a**) Printed at p. 338 above.

(**b**) This Notice was published in the "London Gazette" of October 2nd, 1914; in the "Edinburgh Gazette" of October 6th, 1914; and in the "Dublin Gazette" of October 6th, 1914.

Prize Courts, approved as *provisional* Rules under Section 2 of the Rules Publication Act, 1893,(**a**) by Order in Council of the 5th August, 1914, and confirmed by Order in Council of the 17th September, 1914.

The said amending Rules were approved as *provisional* Rules under Section 2 of the last-named Act by Order in Council of the 30th September, 1914.(**b**)

Notice is hereby further given, that in accordance with the provisions of the last-named Act, copies of the proposed Rules can be obtained by any public body within forty days of the date of this Notice, at the Privy Council Office, Whitehall.

RAILROADS (GOVERNMENT CONTROL).

1914. No. 1300.

ORDER IN COUNCIL UNDER SECTION 16 OF THE REGULATION OF THE FORCES ACT, 1871 (34 & 35 VICT., c. 86), DECLARING THAT AN EMERGENCY HAS ARISEN IN WHICH IT IS EXPEDIENT THAT HIS MAJESTY'S GOVERNMENT SHOULD HAVE CONTROL OVER THE RAILROADS OF GREAT BRITAIN.

At the Court at Buckingham Palace, the 4th day of August, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by virtue of Section 16 of the Regulation of the Forces Act, 1871, it is lawful for the Secretary of State, when His Majesty, by Order in Council, declares that an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the railroads in Great Britain, or any of them, by Warrant under his hand to empower persons to take such action in relation to any railroad in Great Britain as is mentioned in that section:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to declare, and it is hereby declared, for the purposes of the said Section 16, that an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the railroads of Great Britain.

Almeric FitzRoy.

(**a**) 56 & 57 Vict. c. 66.
(**b**) Printed at p. 366 above.

WARRANT OF THE SECRETARY OF STATE, DATED AUGUST 4, 1914, EMPOWERING THE PRESIDENT OF THE BOARD OF TRADE TO TAKE POSSESSION OF ALL THE RAILROADS (EXCLUDING TRAMWAYS) IN GREAT BRITAIN(**a**) UNDER SECTION 16 OF THE REGULATION OF THE FORCES ACT, 1871 *(34 & 35 VICT., C. 86)*.

Whereas by virtue of Section 16 of the Regulation of the Forces Act, 1871, it is lawful for the Secretary of State, when His Majesty, by Order in Council, declares that an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the railroads in the United Kingdom, or any of them, by warrant under his hand to empower any person to take possession in the name or on behalf of His Majesty of any railroad in the United Kingdom, and of the plant belonging thereto, or of any part thereof, and to take possession of any plant without taking possession of the railroad itself, and to use the same for His Majesty's service at such times and in such manner as the Secretary of State may direct.

And whereas His Majesty by Order in Council made the 4th day of August, 1914,(**b**) has declared, for the purposes of the said section, that an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the railroads in Great Britain.

Now, therefore, in pursuance of the said enactment, I, Herbert Henry Asquith, a Secretary of State, hereby empower the President of the Board of Trade to take possession on behalf of His Majesty of all the railroads, excluding tramways, in Great Britain and of the plant belonging thereto or any part thereof and to use the same at all times during which this warrant or any renewal thereof remains in force for the conveyance of any of the naval or military forces of His Majesty, or of any goods, stores, or merchandize required for the use of His Majesty's Fleet, or for the use of any of His Majesty's said forces, or to use the same for any other purpose, or in any other manner for or in which it is expedient to use it for His Majesty's service.

4th day of August, 1914.

H. H. Asquith.

(**a**) The empowering section (34 & 35 Vict. c. 86. s. 16) provides as follows :—"Any warrant granted by the said Secretary of State in pursuance of this section shall remain in force for one week only, but may be renewed from week to week so long as in the opinion of the said Secretary of State, the emergency continues." The warrant of August 4th has (September 30, 1914) been renewed each week by endorsement in the form provided on the back of the warrant (as printed as Army Form A 2030A), and printed on the next page in this Manual.

(**b**) Printed at p. 368, above.

FORM OF RENEWAL OF WARRANT UNDER SECTION 16 OF THE REGULATION OF THE FORCES ACT, 1871, TO BE ENDORSED ON THE WARRANT.

I, , a Secretary of State, being of opinion that the emergency continues, hereby renew this warrant for a further period of one week from the day of .
day of , 19 .

(Signed)

SPECIAL CONSTABLES.

THE SPECIAL CONSTABLES ORDER, 1914.(**a**)

1914. No. 1375.

At the Court at Buckingham Palace, the 9th day of September, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Special Constables Act, 1914,(**b**) power is conferred on His Majesty to make regulations with respect to the appointment and position of special constables appointed during the present war under the Special Constables Act, 1831,(**c**) or under section one hundred and ninety-six of the Municipal Corporations Act, 1882,(**d**) and by those regulations to make such provisions as are in the said Act mentioned.

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The power to nominate and appoint special constables under the Special Constables Act, 1831, may, during the present war, be exercised although a tumult, riot, or felony has not taken place or is not immediately apprehended.

2. Any special constable so appointed shall be appointed for the preservation of the public peace, and for the protection of the inhabitants, and the security of property in the police area for which, or for any part of which, the justices making the appointment act.

(**a**) This Order was published in the "London Gazette" of September 9th, 1914, being the 2nd Supplement to the Gazette of September 8th: in the "Edinburgh Gazette" of September 11th, 1914; and in the "Dublin Gazette" of September 11th, 1914.

(**b**) 4 & 5 Geo. 5. c. 61, printed at p. 20 above.

(**c**) 1 & 2 Will. 4. c. 41.

(**d**) 45 & 46 Vict. c. 60.

3. The declaration to be made by a special constable shall be made in the following form:—

> I, of do solemnly and sincerely declare and affirm that I will well and truly serve Our Sovereign Lord the King in the office of special constable, without favour or affection, malice or illwill; and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

4. A special constable shall throughout the police area for which he is appointed, and also in any adjoining police area, have all the powers, privileges, and duties which any constable duly appointed has within his constablewick by virtue of the common law or of any statute for the time being in force.

5. All special constables shall in the execution of their duty act under the direction and control of the chief officer of police of the police area for which they are appointed, except that in exceptional circumstances they shall, if the Secretary of State so directs, act under the direction and control of such other authority as the Secretary of State may designate.

6. A special constable may, with the consent of the chief officer of police or other authority under whose direction and control he acts, resign his office, and the chief officer of police or such other authority may at his pleasure determine the service of, or suspend or dismiss, any special constable.

7. Any person who puts on the dress or accoutrements or takes the name, designation, or character of a special constable for any unlawful purpose shall be liable on summary conviction to a fine not exceeding ten pounds.

8. Any expenses incurred in respect of special constables may, if the police authority so directs, be paid out of the police fund.

9. If any special constable is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, or if he dies from the effect of any injury received in the execution of his duty without his own default, the police authority may grant him or to his widow and children a pension or pensions and allowances at the same rates as under the Police Act, 1890,(**a**) are payable in the case of police constables who have completed not more than five years' service and are drawing pay at the rate of five shillings a day, and all such pensions and allowances shall be paid out of the police fund.

10. For the purposes of this Order the expression "police area" means one of the areas set forth in the first column to the schedule hereto, and the expressions "police authority," "chief officer of police," and "police fund" mean, as respects each police area the authority, officer, and fund respectively mentioned opposite the area in the second, third, and fourth columns of that schedule.

(**a**) 53 & 54 Vict. c. 45.

11. Subject to the provisions of this Order the Special Constables Act, 1831, as amended by any subsequent enactment, or as the case may require, section one hundred and ninety-six of the Municipal Corporations Act, 1882, shall apply to the special constables appointed under those enactments respectively.

12. This Order shall apply as respects special constables appointed since the commencement of the present war whether before or after the date of the making of this Order, and the appointments of special constables made before that date are hereby confirmed: but nothing herein contained shall be construed as requiring special constables appointed before that date to make a new declaration under this Order.

13. This Order may be cited as the Special Constables Order, 1914.

Almeric FitzRoy.

Schedule.

Police Areas and Authorities.

Police Area.	Police Authority.	Chief Officer of Police.	Police Fund.
The Metropolitan Police District.(**a**)	The Secretary of State.	The commissioner of police of the metropolis.	The funds applicable for defraying the expenses of the metropolitan police force.
The City of London.	The Common Council of the City of London.	The commissioner of the city police.	The funds applicable for defraying the expenses of the city police force
A county ...	The standing joint committee.	The chief constable.	The county fund.
A borough having a separate police.	The watch committee.	The chief or head constable.	The borough fund or borough rate or any fund or rate applicable under any local Act for the expenses of the police force.

In this schedule the expression "county" means an administrative county within the meaning of the Local Government Act, 1888, but does not include a county borough.

Such parts of any county as are within the Metropolitan Police District, or as form part of any other police area, shall not be deemed for the purposes of this Act to form part of the county police area.

(**a**) This area, as constituted by the Metropolitan Police Act, 1829 (10 Geo. 4. c. 44), was extended by Order in Council of January 3rd, 1840, printed in Statutory Rules and Orders, Revised (1904) Vol. VIII., "Metropolitan Police District," p. 1.

THE SPECIAL CONSTABLES (SCOTLAND) ORDER, 1914.(**a**)

1914 $\frac{1406}{\text{S. }93}$.

At the Court at Buckingham Palace, the 17th day of September, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Special Constables Act ,1914,(**b**) as applying to Scotland, power is conferred on His Majesty to make regulations with respect to the appointment and position of special constables appointed during the present war under the Burgh Police (Scotland) Act, 1892,(**c**) so far as relating to special constables, the corresponding provisions of any local Act, and the Special Constables (Scotland) Act, 1914,(**d**) and by those regulations to make such provisions as are in the said Act mentioned:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. If any special constable appointed under any of the abovementioned Acts is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, or if he dies from the effect of any injury received in the execution of his duty without his own default, the police authority may grant to him or to his widow and children a pension or pensions and allowances at the same rates as are payable in Scotland in the case of police constables who have completed not more than five years' service and are drawing pay at the rate of five shillings a day, and all such pensions and allowances shall be paid out of the police fund.

2. Any person who puts on the dress or accoutrements or takes the name, designation, or character of a special constable for any unlawful purpose shall be liable on summary conviction to a fine not exceeding ten pounds.

3. For the purposes of this Order the expressions "police authority" and "police fund" shall have the same meaning as in the Police (Scotland) Act, 1890.(**e**)

(**a**) This Order was published in the "London Gazette" of September 17th, 1914, being the 2nd supplement to the Gazette of September 15th: in the "Edinburgh Gazette" of September 19th, 1914, being a Supplement to the Gazette of September 18th.

(**b**) 4 & 5 Geo. 5. c. 61, printed at p. 20 above.

(**c**) 55 & 56 Vict. c 55.

(**d**) 4 & 5 Geo. 5. c. 53, printed at p. 19 above.

(**e**) 53 & 54 Vict. c. 67; see s. 30 of that Act.

4. This Order shall extend to Scotland only, and may be cited as the Special Constables (Scotland) Order, 1914.

Almeric FitzRoy.

Order of the Secretary for Scotland, dated October 5, 1914, adapting the provisions of the Special Constables (Scotland) Act, 1914, and of sections 96, 97 and 98 of the Burgh Police (Scotland) Act, 1892, in their application to Special Constables within the counties of Orkney and Shetland.(a)

1914. No. 1470.

Whereas by section two of the Special Constables (Scotland) Act, 1914,(a) it is provided that the Secretary for Scotland may by order under his hand apply to special constables appointed in Scotland any statutory provision relating to special constables, with any necessary adaptations:

And whereas the Police (Scotland) Act, 1857, does not extend to the counties of Orkney and Shetland(b) and it is therefore necessary to adapt the provisions of the first recited Act relating to special constables and the provisions of the Burgh Police (Scotland) Act, 1892,(d) referred to therein to the circumstances of those counties:

Now therefore I, the Right Honourable Thomas McKinnon Wood, His Majesty's Secretary for Scotland, do hereby order as follows:—

The provisions of the Special Constables (Scotland) Act, 1914,(a) and of sections ninety-six, ninety-seven and ninety-eight of the Burgh Police (Scotland) Act, 1892,(d) as applied to counties thereby, shall have effect as regards special constables within the counties of Orkney and Shetland subject to the following necessary adaptations:—

(1) References to the Police (Scotland) Act, 1857,(b) shall not apply:

(2) References to constables of police appointed and acting under the Burgh Police (Scotland) Act, 1892,(c) shall be construed as references to constables appointed and acting in the said counties prior to the first day of August, 1914;

(a) 4 & 5 Geo. 5. c. 53, printed at p. 19 above.

(b) 20 & 21 Vict. c. 72. *See* s 76 of that Act, which provides for its extension to either of those two counties by Order in Council to be made on the application of the Lord Advocate, or of the Sheriff Principal or County Council of the County.

(c) 55 & 56 Vict. c. 55. Sections 96 to 98 of this Act are printed in Appendix E at p. 440 below as amended and extended to Counties by 4 & 5 Geo. 5, c. 53.

(3) References to the magistrates, or the standing joint committee, shall be construed as references to the police authorities existing in the counties aforesaid at the said date; and

(4) References to the chief constable shall be construed as references to the superintendent or other chief officer of police.

Given under my hand and seal at Whitehall this fifth day of October, 1914.

(L.S.) *T. McKinnon Wood,*
His Majesty's Secretary for Scotland.

TRADING WITH THE ENEMY.

Proclamation, dated August 5, 1914, relating to Trading with the German Empire.(**a**) (**b**)

1914. No. 1252.

By the King.

A Proclamation relating to Trading with the Enemy.

George R.I.

Whereas a state of war exists between Us and the German Emperor:

And whereas it is contrary to law for any person resident, carrying on business, or being in Our Dominions, to trade or have any commercial intercourse with any person resident, carrying on business, or being in the German Empire without Our permission:

And whereas it is therefore expedient and necessary to warn all persons resident, carrying on business, or being in Our Dominions, of their duties and obligations towards Us, Our Crown, and Government:

(**a**) This Proclamation was revoked by Proclamation of September 9th, printed at p. 378 below, as from that date. The Proclamation of August 5th was extended to Austria-Hungary by Article 2 of the Proclamation of August 12th, printed at p. 97 above under the heading "AUSTRIA-HUNGARY"; that Article was likewise revoked by the Proclamation of September 9th.

(**b**) This Proclamation was published in the "London Gazette" of August 5th, 1914, being the 2nd Supplement to the Gazette of August 4th; in the "Edinburgh Gazette" of August 7th, 1914; and in the "Dublin Gazette" of August 6th, 1914, being the 3rd Supplement to the Gazette of August 4th.

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and We do hereby warn all persons resident, carrying on business, or being in our Dominions:

Not to supply to or obtain from the said Empire any goods, wares, or merchandise, or to supply to or obtain the same from any person resident, carrying on business, or being therein, nor to supply to or obtain from any person any goods, wares, or merchandise for or by way of transmission to or from the said Empire, or to or from any person resident, carrying on business, or being therein, nor to trade in or carry any goods, wares, or merchandise destined for or coming from the said Empire, or for or from any person resident, carrying on business, or being therein:

Nor to permit any British ship to leave for, enter, or communicate with any port or place of the said Empire:

Nor to make or enter into any new marine, life, fire, or other policy or contract of insurance with or for the benefit of any person resident, carrying on business, or being in the said Empire, nor under any existing policy or contract of insurance to make any payment to or for the benefit of any such person in respect of any loss due to the belligerent action of His Majesty's forces or of those of any ally of His Majesty:

Nor to enter into any new commercial, financial, or other contract or obligation with or for the benefit of any person resident, carrying on business, or being in the said Empire:

And We do hereby further warn all persons that whoever in contravention of the law shall commit, aid, or abet any of the aforesaid acts will be liable to such penalties as the law provides:

And We hereby declare that any transactions to, with, or for the benefit of any person resident, carrying on business, or being in the said Empire which are not treasonable and are not for the time being expressly prohibited by Us either by virtue of this Proclamation or otherwise, and which but for the existence of the state of war aforesaid would be lawful, are hereby permitted:

And We hereby declare that the expression "person" in this Proclamation shall include any body of persons corporate or unincorporate, and that where any person has, or has an interest in, houses or branches of business in some other country as well as in Our Dominions, or in the said Empire (as the case may be), this Proclamation shall not apply to the trading or commercial intercourse carried on by such person solely from or by such houses or branches of business in such other country.

Given at Our Court at Buckingham Palace, this Fifth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

OFFICIAL ANNOUNCEMENT IN EXPLANATION OF THE PROCLAMATION OF AUGUST 5, 1914, (a) *AGAINST TRADING WITH THE ENEMY.* (b)

The following official announcement was issued by the Treasury last night:—

Some doubts having arisen as to the meaning and application of the Proclamation against trading with the enemy,(a) *the Government authorise the following explanation to be published:—*

> *(1) For the purpose of deciding what transactions with foreign traders are permitted, the important thing is to consider where the foreign trader resides and carries on business, and not the nationality of the foreign trader.*
>
> *(2) Consequently, there is, as a rule, no objection to British firms trading with German or Austrian firms established in neutral or British territory. What is prohibited is trade with any firms established in hostile territory.*
>
> *(3) If a firm with headquarters in hostile territory has a branch in neutral or British territory, trade with the branch is (apart from prohibitions in special cases) permissible, as long as the trade is* bona fide *with the branch, and no transaction with the head office is involved.*
>
> *(4) Commercial contracts entered into before war broke out with firms established in hostile territory cannot be performed during the war, and payments under them ought not to be made to such firms during the war. Where, however, nothing remains to be done save to pay for goods already delivered, or for services already rendered, there is no objection to making the payment. Whether contracts entered into before war are suspended or terminated is a question of law which may depend on circumstances, and in cases of doubt British firms must consult their own legal advisers.*

This explanation is issued in order to promote confidence and certainty in British commercial transactions; but it must be understood that, in case of need, the Government will still be free to impose stricter regulations or special prohibitions in the national interest.

22nd August, 1914.

(a) The Proclamation of August 5th, as to Trading with the German Empire (which was by Proclamation of August 12th, printed at p. 97 above, extended to Austria-Hungary) is printed at p. 375 above.

(b) This Announcement was revoked by the Proclamation of September 9th, printed at p. 378 below.

THE TRADING WITH THE ENEMY PROCLAMATION, NO. 2. DATED SEPTEMBER 9, 1914.(a)

1914. No. 1376.

BY THE KING.

A Proclamation relating to Trading with the Enemy.

George R.I.

Whereas a state of War has existed between Us and the German Empire as from 11 p.m. on August 4th, 1914,(b) and a state of War has existed between Us and the Dual Monarchy of Austria-Hungary as from midnight on August 12th, 1914:(c)

And whereas it is contrary to law for any person resident, carrying on business or being in Our Dominions, to trade or have any commercial or financial transactions with any person resident or carrying on business in the German Empire or Austria-Hungary without Our permission:

And whereas by Our Proclamation of the 5th August, 1914,(d) relating to trading with the Enemy, certain classes of transactions with the German Empire were prohibited:

And whereas by paragraph 2 of Our Proclamation of the 12th August, 1914,(e) the said Proclamation of the 5th August, 1914, was declared to be applicable to Austria-Hungary:

And whereas it is desirable to restate and extend the prohibitions contained in the former Proclamations, and for that purpose to revoke the Proclamation of the 5th August, 1914, and paragraph 2 of the Proclamation of the 12th August, 1914, and to substitute this Proclamation therefor:

And whereas it is expedient and necessary to warn all persons resident, carrying on business or being in Our Dominions, of their duties and obligations towards Us, Our Crown, and Government:

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows:—

1. The aforesaid Proclamation of the 5th August, 1914, relating to trading with the Enemy, and paragraph 2 of the aforesaid Proclamation of the 12th August, 1914, together with any public announcement officially issued in explanation thereof, are hereby, as from the date hereof, revoked, and from and after the date hereof, this present Proclamation is substituted therefor.

(**a**) This Proclamation was published in the "London Gazette" of September 9th, 1914, being the 2nd Supplement to the Gazette of September 8th; in the "Edinburgh Gazette" of September 11th, 1914; and in the "Dublin Gazette" of September 10th, 1914, being a Supplement to the Gazette of September 8th.

(**b**) *See* Notification of August 4th, printed at p. 1 above.

(**c**) *See* Notification of August 12th, 1914, printed at p. 1 above.

(**d**) Printed at p. 375 above.

(**e**) Printed at p. 97 above.

2. The expression "enemy country" in this Proclamation means the territories of the German Empire and of the Dual Monarchy of Austria-Hungary, together with all the colonies and dependencies thereof.

3. The expression "enemy" in this Proclamation means any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country.

4. The expression "outbreak of war" in this Proclamation means 11 p.m. on the 4th August, 1914,(**a**) in relation to the German Empire, its colonies and dependencies, and midnight on the 12th August, 1914,(**b**) in relation to Austria-Hungary, its colonies and dependencies.

5. From and after the date of this Proclamation the following prohibitions shall have effect, (save so far as licences may be issued as hereinafter provided), and We do hereby accordingly warn all persons resident, carrying on business or being in Our Dominions—

(1) Not to pay any sum of money to or for the benefit of an enemy.

(2) Not to compromise or give security for the payment of any debt or other sum of money with or for the benefit of an enemy.

(3) Not to act on behalf of an enemy in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with any negotiable instrument.

(4) Not to accept, pay, or otherwise deal with any negotiable instrument which is held by or on behalf of an enemy, provided that this prohibition shall not be deemed to be infringed by any person who has no reasonable ground for believing that the instrument is held by or on behalf of an enemy.

(5) Not to enter into any new transaction, or complete any transaction already entered into with an enemy in any stocks, shares, or other securities.

(**c**)(6) Not to make or enter into any new marine, life, fire or other policy or contract of insurance with or for the benefit of an enemy; nor to accept, or give effect to any insurance of, any risk arising under any policy or contract of insurance (including re-insurance) made or entered into with or for the benefit of an enemy before the outbreak of War.

(7) Not directly or indirectly to supply to or for the use or benefit of, or obtain from, an enemy country or an enemy, any goods, wares or merchandise, nor directly

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(**a**) *See* Notification of August 4th, printed at p. 1 above.

(**b**) *See* Notification of August 12th, printed at p. 1 above.

(**c**) Paragraph 5 (6) was revoked and another heading substituted therefor as from October 8th, 1914, by Proclamation of that date printed in Supplement at end of this Manual.

or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or an enemy, nor directly or indirectly to trade in or carry any goods, wares or merchandise destined for or coming from an enemy country or an enemy.

(8) Not to permit any British ship to leave for, enter or communicate with, any port or place in an enemy country.

(9) Not to enter into any commercial, financial or other contract or obligation with or for the benefit of an enemy.

(10) Not to enter into any transactions(**a**) with an enemy if and when they are prohibited by an Order of Council made and published on the recommendation of a Secretary of State, even though they would otherwise be permitted by law or by this or any other Proclamation.

And we do hereby further warn all persons that whoever in contravention of the law shall commit, aid, or abet any of the aforesaid acts, is guilty of a crime and will be liable to punishment and penalties accordingly.

6. Provided always that where an enemy has a branch locally situated in British, allied, or neutral territory, not being neutral territory in Europe, transactions by or with such branch shall not be treated as transactions by or with an enemy.

7. Nothing in this Proclamation shall be deemed to prohibit payments by or on account of enemies to persons resident, carrying on business or being in Our Dominions, if such payments arise out of transactions entered into before the outbreak of War or otherwise permitted.

8. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our licence, or by the licence given on Our behalf by a Secretary of State,(**b**) or the Board of Trade,(**c**) whether such licences be especially granted to individuals or be announced as applying to classes of persons.

9. This Proclamation shall be called the Trading with the Enemy Proclamation, No. 2.

Given at Our Court at Buckingham Palace, this Ninth day of September, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God Save the King.

(**a**) As to application of paragraph 5 (10) as regards persons carrying on business or being in His Majesty's Dominions beyond the Seas, *see* Proclamation of October 8th, 1914, printed at end of this Manual.

(**b**) *See* Licence of September 22nd (as to payments, exchange transactions, and receipts) given by the Secretary of State, printed at p. 381 below.

(**c**) *See* Licences given by the Board of Trade, dated September 23rd (as to patents, designs and trade marks), and printed at p. 381 below, and September 25th (as to payment of freight and other charges in respect of enemy ships), and printed at p. 383 below, and Board's Announcement of September 27th, as to procedure to be adopted by cargo owners to safeguard their interests, printed at p. 383 below.

LICENCE GRANTED BY THE SECRETARY OF STATE, SEPTEMBER 22, 1914, UNDER THE TRADING WITH THE ENEMY PROCLAMATION, No. 2, PERMITTING CERTAIN PAYMENTS, EXCHANGE TRANSACTIONS AND RECEIPTS.(a)

Whereas by paragraph 5 (1) of the Trading with the Enemy Proclamation No. 2,(b) dated September 9th, 1914, the payment of any sum of money to or for the benefit of any person or body of persons resident in the territories of the German Empire or in the Dual Monarchy of Austria-Hungary or in the respective colonies and dependencies thereof, in this licence and in the said Proclamation referred to as "enemy country," is prohibited:

And whereas by paragraph 8 of the said Proclamation it is provided that nothing in the Proclamation shall be taken to prohibit anything which shall be expressly permitted by the licence of a Secretary of State, whether such licence be expressly granted to individuals or be announced as applying to classes of persons:

Now I, the Right Honourable Reginald McKenna, one of His Majesty's Principal Secretaries of State, hereby authorize such persons as may be empowered by the Lords Commissioners of His Majesty's Treasury in that behalf to make such payments and to carry out such exchange transactions for the benefit of persons resident in an enemy country as their Lordships may from time to time sanction, or to receive payment of monies from persons resident in an enemy country in such cases as their Lordships may from time to time sanction.

R. McKenna.

Home Office, Whitehall,
22nd September, 1914.

LICENCE GRANTED BY THE BOARD OF TRADE, SEPTEMBER 23, 1914, UNDER THE TRADING WITH THE ENEMY PROCLAMATION, No. 2, PERMITTING PAYMENT OF CERTAIN FEES IN RESPECT OF PATENTS, DESIGNS AND TRADE MARKS.(c)

Board of Trade, Whitehall.

Whereas by Royal Proclamation relating to Trading with the Enemy, dated the 9th day of September, 1914,(d) it was, amongst other things, declared as follows:—

"The expression 'enemy country' in this Proclamation means the territories of the German Empire and of the Dual Monarchy

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(**a**) This Licence was published in the "London Gazette" of September 25th, 1914; in the "Edinburgh Gazette" of September 29th; and in the "Dublin Gazette" of September 29th, 1914.

(**b**) Printed at p. 378 above.

(**c**) This Licence was published in the "London Gazette" of September 26th, being the 1st Supplement to the Gazette of September 25th; in the "Edinburgh Gazette" of September 29th, 1914; and in the "Dublin Gazette" of September 29th, 1914.

(**d**) The Trading with the Enemy Proclamation, No. 2, printed at p. 378 above.

of Austria-Hungary, together with all the Colonies and Dependencies thereof.

"The expression 'enemy' in this Proclamation means any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies enemy character attaches only to those incorporated in an enemy country."

And whereas it was also declared by the said Proclamation that from and after the date of the said Proclamation, all persons resident, carrying on business, or being in His Majesty's Dominions were prohibited from doing certain acts therein more specifically referred to:

And whereas it was further declared by the said Proclamation as follows:—

"Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our licence, or by the licence given on Our behalf by a Secretary of State, or the Board of Trade, whether such licences be especially granted to individuals or be announced as applying to classes of persons."

And whereas it appears desirable to grant the licence hereinafter set out;

Now therefore the Board of Trade, acting on behalf of His Majesty, and in pursuance of the power reserved in the said Proclamation, do hereby give and grant licence to all persons resident, carrying on business, or being in His Majesty's Dominions,

To pay any fees necessary for obtaining the grant, or for obtaining the renewal of Patents, or for obtaining the registration of Designs or Trade Marks, or the renewal of such registration in an "enemy country."

And also to pay on behalf of an "enemy" any fees payable on application for or renewal of the grant of a British Patent or on application for the registration of British Designs or Trade Marks or the renewal of such registration.

Dated this twenty-third day of September, 1914.

For and on behalf of the Board of Trade,

H. Llewellyn Smith,
Secretary to the said Board.

LICENCE GRANTED BY THE BOARD OF TRADE, SEPTEMBER 25, 1914, UNDER THE TRADING WITH THE ENEMY PROCLAMATION, NO. 2, PERMITTING BRITISH OWNERS OF CARGO LYING IN NEUTRAL PORTS IN ENEMY-OWNED SHIPS TO PAY FREIGHT.(**a**)

Whereas by paragraph 5 of the Trading with the Enemy Proclamation, No. 2,(**b**) dated the ninth day of September, 1914, all persons resident, carrying on business, or being in the King's Dominions were prohibited from doing certain things save so far as licences might be issued enabling them so to do.

And whereas by paragraph 8 of the aforesaid Proclamation it is provided that nothing in such Proclamation shall be taken to prohibit anything which shall be expressly permitted by the King's licence or by the licence given on His behalf by a Secretary of State or the Board of Trade, whether such licences be especially granted to individuals or be announced as applying to classes of persons.

Now, therefore, the Board of Trade hereby announce that British owners of cargo now lying in a neutral port in a ship owned by an enemy may for the purpose of obtaining possession of such cargo pay freight and other necessary charges to the Agent of the shipowner at such port.

G. S. Barnes,
A Secretary to the Board of Trade.

Board of Trade, S.W.,
25th September, 1914.

BOARD OF TRADE ANNOUNCEMENT OF SEPTEMBER 27, 1914, AS TO BRITISH CARGOES IN ENEMY SHIPS IN NEUTRAL PORTS.

In response to numerous inquiries with regard to the procedure to be adopted by the owners of British cargo in enemy ships in neutral ports in order to safeguard their interests, the Board of Trade, on the recommendation of the Committee on Diverted Cargoes, offer the following suggestions and observations:—

(1) The Foreign Office have issued instructions to British Consuls to give all possible assistance to British owners of cargo in enemy ships.

(2) In the case of the sale or attempted sale of the cargo by the Master of the ship, it may be open to the owner of the cargo to obtain redress by legal proceedings in the local courts, and the owner of the cargo, if he desires to

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(**a**) This Licence was published in the "London Gazette" of September 25th 1914; in the "Edinburgh Gazette" of September 29th, 1914: and in the "Dublin Gazette" of September 29th, 1914.

(**b**) Printed at p. 378 above.

take such proceedings, should, whenever practicable, instruct local agents to take the necessary steps.

(3) If, in lieu of such action, the owner of the cargo desires to arrange for the delivery of the cargo itself, or of the proceeds, if the cargo has been sold, he should give a power of attorney to a local agent with authority to arrange for the transhipment or storage of the cargo, or to receive the proceeds. This transaction would probably involve the payment to the Master of the ship of the freight and other charges.

The Board of Trade, in pursuance of their powers under paragraph 8 of the Trading with the Enemy Proclamation, No. 2, dated 9th September 1914,(**a**) have decided that payments may be made by British subjects to the agents of enemy shipowners for the purpose of obtaining possession of their cargoes in neutral ports.(**b**)

Board of Trade,
27th September, 1914.

PROCLAMATION, DATED SEPTEMBER 30, 1914, EXTENDING THE PROHIBITIONS CONTAINED IN THE TRADING WITH THE ENEMY PROCLAMATION, No. 2.(**c**)

1914. No. 1447.

BY THE KING.

A Proclamation extending the Prohibitions contained in the Proclamation of the 9th September, 1914, relating to Trading with the Enemy.

George R.I.

Whereas the State of War between Us and the German Empire and the State of War between Us and the Dual Monarchy of Austria-Hungary referred to by Us in Our Proclamation of the ninth day of September, 1914,(**d**) still continue to exist:

And whereas it is desirable to extend the prohibitions contained in Our said Proclamation:

(**a**) This Proclamation is printed at p. 378 above.

(**b**) See Licence of September 25th granted by the Board and printed at p. 383 above.

(**c**) This Proclamation was published in the "London Gazette" of September 30th, 1914, being the 1st Supplement to the Gazette of September 29th; in the "Edinburgh Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th; and in the "Dublin Gazette" of September 30th, 1914, being a Supplement to the Gazette of September 29th.

(**d**) The Trading with the Enemy Proclamation, No. 2, printed at p. 378 above.

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring, and it is hereby declared, as follows:—

1. From and after the date of this Proclamation—

(1) The importation of such sugar as is hereinafter mentioned is prohibited.

(2) The following prohibition shall have effect (save so far as licences may be issued as hereinafter provided) in addition to the prohibitions contained in Our said Proclamation, and We do hereby accordingly warn all persons resident, carrying on business, or being in our Dominions—

(*a*) Not directly or indirectly to import or cause or procure to be imported or to be concerned with the importation into any part of Our Dominions or into any other country or place whatever through or from any port in Europe of raw or refined sugar made or produced by an enemy or in an enemy country, or refined sugar (wherever made or produced) made or produced from raw sugar made or produced by an enemy or in an enemy country.

(*b*) Not directly or indirectly to deal in any sugar as aforesaid.

2. And We do hereby further warn all persons that whoever in contravention of the law shall commit, aid or abet any of the aforesaid acts is guilty of a crime and will be liable to punishment and penalties accordingly.

3. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our licence, or by the licence given on Our behalf by a Secretary of State or the Board of Trade, whether such licence be granted especially to individuals or be announced as applying to classes of persons.

4. The words "enemy" and "enemy country" and "person" shall have the same meaning in this Our Proclamation as in Our said Proclamation of the ninth day of September, 1914.

Given at Our Court at Buckingham Palace, this Thirtieth day of September, in the year of our Lord, one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

TRANSPORTS AND AUXILIARIES.

PROCLAMATION, DATED AUGUST 3, 1914, AUTHORISING THE LORDS COMMISSIONERS OF THE ADMIRALTY TO REQUISITION ANY BRITISH SHIP OR BRITISH VESSEL WITHIN THE BRITISH ISLES OR THE WATERS ADJACENT THERETO.(**a**)

1914. No. 1247.

BY THE KING.

A Proclamation for Authorising the Lords Commissioners of the Admiralty to requisition any British Ship or British Vessel within the British Isles or the Waters adjacent thereto.

George R.I.

Whereas a national emergency exists rendering it necessary to take steps for preserving and defending national interests :

And whereas the measures approved to be taken require the immediate employment of a large number of vessels for use as Transports and as Auxiliaries for the convenience of the Fleet and for other similar services, but owing to the urgency of the need it is impossible to delay the employment of such vessels until the terms of engagement have been mutually agreed upon :

Now, therefore, We authorize and empower the Lords Commissioners of the Admiralty by warrant under the hand of their Secretary or under the hand of any Flag Officer of Our Royal Navy holding any appointment under the Admiralty to requisition and take up for Our service any British ship or British vessel as defined in the Merchant Shipping Act, 1894,(**b**) within the British Isles, or the waters adjacent thereto, for such period of time as may be necessary on condition that the owners of all ships and vessels so requisitioned shall receive payment for their use, and for services rendered during their employment in the Government service, and compensation for loss or damage thereby occasioned, according to terms to be arranged as soon as possible after the said ship has been taken up, either by mutual agreement between the Lords Commissioners of the Admiralty and the owners or failing such agreement by the award of a Board of Arbitration to be constituted and appointed by Us for this purpose (**c**).

Given at Our Court at Buckingham Palace, this Third day of August, in the year of Our Lord One thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

(**a**) This Proclamation was published in the "London Gazette" of August 3rd, 1914, being the 3rd Supplement to the Gazette of July 31st ; in the "Edinburgh Gazette" of August 4th, 1914 ; and in the "Dublin Gazette" of August 4th, 1914.

(**b**) 57 & 58 Vict. c. 60. *See* ss. 1, 2 (2) of that Act.

(**c**) See Notification of August 31st printed at pp. 390–395 below, which superseded the earlier Notification of August 11th printed at pp. 387–390 below.

NOTIFICATION DATED AUGUST 11, 1914, AS TO THE CONSTITUTION OF THE ADMIRALTY TRANSPORT ARBITRATION BOARD. (a)(b)

His Majesty has been pleased to direct that the Board of Arbitration contemplated by His Majesty's Proclamation of 3rd August, 1914, relating to the requisitioning of British ships and vessels for His Majesty's service, shall be constituted as provided in the rules hereinafter set out.

His Majesty has appointed—

The Right Honourable the Lord Mersey, P.C., to be the President of the Board of Arbitration, and

Mr. William Walton to be the Vice-President,

and has directed that the Members of that Board shall be chosen from the following panels, in the manner provided in the said rules:—

GOVERNMENT NOMINEES.

Admiral Sir Lewis Beaumont, G.C.B., K.C.M.G., St. Georges, Hurstpierpoint, Sussex.

Admiral William H. Henderson, 3, Onslow Houses, S.W.

Admiral Charles G. Robinson, C.V.O., 3, Parklands, Surbiton.

Sir C. Inigo Thomas, G.C.B., 47, Evelyn Gardens, S.W.

Sir Henry J. Vansittart-Neale, K.C.B., Bisham Abbey, Marlow.

Captain Sir Charles E. H. Chadwyck-Healey, K.C.B., K.C., R.N.R., Harcourt House, Cavendish Square, W.

Sir Richard D. Awdry, K.C.B., 63, Victoria Road, Kensington, W.

Sir Cornelius N. Dalton, K.C.M.G., 26, Belsize Lane, Hampstead, N.

Sir Nathaniel J. Highmore, K.C.B., Harbybrowe, Worcester Park, Surrey.

SHIPOWNERS.

The Right Honourable The Lord Inchcape, G.C.M.G., K.C.S.I., K.C.I.E., 9, Throgmorton Avenue, E.C.

C. Sydney Jones, Esq. (Chairman of the Liverpool Steam Ship Owners' Association).

Thomas Royden, Esq. (Vice-Chairman of the Cunard Steam Ship Co.).

Oswald Sanderson, Esq. (Messrs. Thomas Wilson, Sons and Co., Hull).

J. M. Shields, Esq. (Peninsular and Oriental Steam Navigation Co.), 122, Leadenhall Street, E.C.

Captain Sir Owen Philipps, K.C.M.G., R.N.R. (Chairman of the Royal Mail Steam Packet Co.), 18, Moorgate Street, E.C.

(a) This Notification is superseded by that of August 31st, printed at pp 390–395 below.

(b) This Notification was published in the "London Gazette," of August 14th, 1914.

Sir Kenneth S. Anderson, K.C.M.G. (Chairman of the Orient Line, Vice-President of the Chamber of Shipping of the United Kingdom), 5, Fenchurch Avenue, E.C.
W. J. Noble, Esq. (Messrs. Cairns, Noble and Co., Newcastle-on-Tyne).
R. Burton Chadwick, Esq. (Chairman of the Liverpool Shipowners' Association), 601, Tower Buildings, Liverpool.
F. C. Gardiner, Esq. (Messrs. James Gardiner and Co., Glasgow, Chairman of the Advisory Committee on New Lighthouse Works, etc.).
F. S. Watts, Esq. (Chairman of the Shipowners' Parliamentary Committee), 7, Whittington Avenue, Leadenhall Street, E.C.
Sir Edward Hain (Chairman of the General Shipowners' Society, London).
James H. Warrack, Esq. (President of the Chamber of Shipping of the United Kingdom).
W. W. Jones, Esq. (Messrs. Evan Jones and Company, Boston Buildings, James Street, Cardiff).

BANKERS.

Walter Cunliffe, Esq. (Governor of the Bank of England).
Brien Cokayne, Esq. (Director of the Bank of England), 22, Bishopsgate, E.C.
Sir Felix Schuster, Bart. (Chairman, Union of the London and Smiths Bank), 2, Princes Street, Mansion House, E.C.

UNDERWRITERS.

Cecil C. Blogg, Esq., Lloyds, E.C.
Sir Frederic Bolton, Lloyds, E.C.
James Forbes, Esq., Lloyds, E.C.
Henry G. Poland, Esq., Lloyds, E.C.
Charles I. de Rougemont, Esq., Lloyds, E.C.
Hugh G. Sicklemore, Esq., Lloyds, E.C.

MARINE INSURANCE COMPANIES.

Herbert T. Hines, Esq. (Royal Exchange Assurance Corporation, Royal Exchange, E.C.).
E. L. Jacobs, Esq. (Alliance Assurance Co., Ltd., Bartholomew Lane, E.C.).
R. B. Lemon, Esq. (Marine Insurance Co., Ltd., 20, Old Broad Street, E.C.).
A. H. Roberts, Esq. (Indemnity Mutual Marine Insurance Co., Ltd., 1, Old Broad Street, E.C.).
T. J. Storey, Esq. (British and Foreign Marine Insurance Co., Ltd., 1, Old Broad Street, E.C.).

INSURANCE BROKERS.

Walter E. Hargreaves, Esq., Winchester House, Old Broad Street, E.C.
Herman Simson, Esq., Lloyds, E.C.
George R. Stamp, Esq., 32, Cornhill, E.C.
Charles Wright, Esq., 27, Cornhill, E.C.

AVERAGE ADJUSTERS.

Thomas S. Cookes, Esq. (of Messrs. Manley Hopkins, Son and Cookes, 91, Gracechurch Street, E.C.).

Arthur Lindley Esq. (of Messrs. Robert Lindley, Sons and Davison, 83-90, Palmerston House, Bishopsgate, E.C).

William Richards, Esq. (of Messrs. William Richards and Son, 70, Gracechurch Street, E.C.).

M. A. Rundell, Esq. (of Messrs. Dale and Rundell, 79½ Gracechurch Street, E.C.).

F. C. Danson, Esq. (of Messrs. F. C. Danson and Co., Tower Buildings, Water Street, Liverpool).

A. H. May, Esq. (of Messrs. A. H. May and Son, Phœnix Buildings, 78, St. Vincent Street, Glasgow).

The procedure set out in the following rules is to be followed so far as may be practicable in the circumstances of each case:—

RULES.

1.—All claims whatsoever arising out of or in respect of the requisitioning of any British ship or vessel under His Majesty's Proclamation of the 3rd day of August, 1914, shall be made out in full detail and left in triplicate with or sent to the Secretary of the Admiralty, Whitehall, S.W., so soon as may be and in no case later than within one month from the taking up of the ship or vessel for His Majesty's service.

2.—The claim shall be accompanied with all necessary vouchers and supporting documents and such explanatory statement as may be required to make clear the nature of the claim and the grounds thereof.

3.—Each claim shall be considered by the Admiralty, who shall negotiate with the Claimant with a view to the adjustment and settlement thereof by agreement.

4.—If the Admiralty and the Claimant fail to arrive at an agreement within a reasonable time, to be determined in each case by the President of the Board of Arbitration, the Admiralty shall report the matter with the necessary papers to the President, who shall refer the claim to two Arbitrators selected by him from the panels of Arbitrators for consideration and report. The Arbitrators so selected shall have regard to any directions or instructions they may receive from the President; they may call for such further papers, evidence and particulars as they may require, and, if they think fit, may call upon the Admiralty and the Claimant either to argue the matter before them or to submit written arguments on any points.

5.—The joint award of such Arbitrators shall be final. If they are unable to agree, the matter shall be referred to the President of the Board of Arbitration as Umpire, who may require such further papers, evidence, particulars or argument as he may deem necessary. The award of the President shall be final.

6.—Any matter or question of procedure not disposed of by these rules, or any question arising thereon, shall be determined *by the President of the Board of Arbitration as in his discretion he shall think fit to direct.*

7.—The Vice-President of the Board of Arbitration may by direction of the President act in any matter hereunder for the President, and he may also act as President should the President for any reason at any time be unable to act. Any direction or decision of the Vice-President when so acting for or as the President shall be as effectual as though made or given by the President.

Admiralty, Whitehall, S.W.,
11th August, 1914.

Notification, dated August 31, 1914, as to the Constitution of the Admiralty Transport Arbitration Board.(**a**)

The King has been pleased to direct that the constitution of the Board of Arbitration established in pursuance of His Majesty's Proclamation of 3rd August, 1914, relating to the requisitioning of British ships and vessels for His Majesty's service,(**b**) shall be amended by the addition of certain further rules, and that the panels from which the Members of that Board are to be chosen shall be enlarged by the inclusion of additional representatives of the various interests concerned.

The following notification is therefore to be substituted for that published in the London Gazette of the 14th August, 1914(**c**):—

His Majesty has appointed—

The Right Honourable the Lord Mersey, P.C., 22, Grosvenor Place, S.W., to be President of the Board of Arbitration, and

Mr. William Walton, Donnington Holt, Newbury, Berks, to be Vice-President,

and has directed that the Members of that Board shall be chosen from the following panels, in the manner provided in the said rules:—

Government Nominees.

Admiral Sir Lewis Beaumont, G.C.B., K.C.M.G., St. Georges, Hurstpierpoint, Sussex.
Admiral William H. Henderson, 3, Onslow Houses, S.W.
Admiral Charles G. Robinson, C.V.O., 3, Parklands, Surbiton.
Sir C. Inigo Thomas, G.C.B., 47, Evelyn Gardens, S.W.
Sir Henry J. Vansittart-Neale, K.C.B., Bisham Abbey, Marlow.
Captain Sir Charles E. H. Chadwyck-Healey, K.C.B., K.C., R.N.R., Harcourt House, Cavendish Square, W.

(**a**) This Notification was published in the "London Gazette" of September 1st, 1914.

(**b**) This Proclamation is printed at p. 386, above.

(**c**) This Notification is printed at p. 387, above.

Sir Richard D. Awdry, K.C.B., 63, Victoria Road, Kensington, W.
Sir Cornelius N. Dalton, K.C.M.G., 26, Belsize Lane, Hampstead, N.W.
Sir Nathaniel J. Highmore, K.C.B., Harbybrowe, Worcester Park, Surrey.
Stephen J. Graff, Esq., C.B., 45, Amherst Road, Ealing, W.
Hon. Thomas Pelham, C.B., Deene House, Putney Hill, S.W.

SHIPOWNERS.

The Right Hon. the Lord Inchcape, G.C.M.G., K.C.S.I., K.C.I.E., 9, Throgmorton Avenue, E.C.
C. Sydney Jones, Esq. (Chairman of the Liverpool Steam Ship Owners' Association).
Thomas Royden, Esq. (Vice-Chairman of the Cunard Steam Ship Co.).
Oswald Sanderson, Esq. (Messrs. Thomas Wilson, Sons and Co., Hull).
J. M. Shields, Esq. (Peninsular and Oriental Steam Navigation Co.), 122, Leadenhall Street, E.C.
Captain Sir Owen Phillipps, K.C.M.G., R.N.R. (Chairman of the Royal Mail Steam Packet Co.), 19, Moorgate Street, E.C.
Sir Kenneth S. Anderson, K.C.M.G. (Chairman of the Orient Line, Vice-President of the Chamber of Shipping of the United Kingdom), 5, Fenchurch Avenue, E.C.
W. J. Noble, Esq. (Messrs. Cairns Noble and Co., Newcastle-on-Tyne).
R. Burton Chadwick, Esq. (Chairman of the Liverpool Shipowners' Association), 601, Tower Buildings, Liverpool.
F. C. Gardiner, Esq. (Messrs. James Gardiner and Co., Glasgow, Chairman of the Advisory Committee on New Lighthouse Works, etc.).
F. S. Watts, Esq. (Chairman of the Shipowners' Parliamentary Committee), 7, Whittington Avenue, Leadenhall Street, E.C.
Sir Edward Hain (Chairman of the General Shipowners' Society, London).
James H. Warrack, Esq. (President of the Chamber of Shipping of the United Kingdom).
W. W. Jones, Esq. (Messrs. Evan Jones and Company, Boston Buildings, James Street, Cardiff).

GENERAL TRADING.

J. Howard Glover, Esq., 57, Bishopsgate, E.C.
W. Lund, Esq., Messrs. Harris and Dixon, Ltd., 81, Gracechurch Street, E.C.

COASTING TRADES.

The Right Hon. The Lord Inverclyde, Messrs. E. and I. Burns, 30, Jamaica Street, Glasgow.

James E. Tully, Esq., J.P., Milburn House, Newcastle-on-Tyne.

Captain H. B. Hooper, R.I.M., Chairman, London Short Sea Traders Association, 15, Trinity Square, E.C.

Edward Nicholl, Esq., Cardiff and Bristol Channel Shipowners Association, Cardiff.

William Cuthbert, Esq., Clyde Shipping Co., Glasgow.

Ernest Cook, Esq., Messrs. Rogers Bright, Ltd., 17, Water Street, Liverpool.

OIL TANK STEAMER OWNERS.

Edward A. Cohan, Esq., c/o Messrs. H. E. Moss and Co., 18, Chapel Street, Liverpool.

Clive Bowring, Esq., c/o Messrs. C. T. Bowring and Co., Winchester House, Old Broad Street, E.C.

CARGO OWNERS.

R. A. Patterson, Esq., Messrs. Patterson, Ellerby and Co., 24, St. Mary Axe, E.C.

E. B. Tredwen, Esq., Messrs. Gilbert J. McCaul and Co., 27, Walbrook, E.C.

F. Becker, Esq., Messrs. Becker and Co., 64, Cannon Street, E.C.

BANKERS.

Walter Cunliffe, Esq. (Governor of the Bank of England).

Brien Cokayne, Esq. (Director of the Bank of England), 22, Bishopsgate, E.C.

Sir Felix Schuster, Bart. (Chairman, Union of London and Smiths Bank), 2, Princes Street, Mansion House, E.C.

UNDERWRITERS.

Cecil Blogg, Esq., Lloyds, E.C.
Sir Frederic Bolton, Lloyds, E.C.
James Forbes, Esq., Lloyds, E.C.
Henry G. Poland, Esq., Lloyds, E.C.
Charles I. de Rougemont, Esq., Lloyds, E.C.
Hugh G. Sicklemore, Esq., Lloyds, E.C.

MARINE INSURANCE COMPANIES.

Herbert T. Hines, Esq. (Royal Exchange Assurance Corporation, Royal Exchange, E.C.).

E. L. Jacobs, Esq. (Alliance Assurance Co., Ltd., Bartholomew Lane, E.C.).

R. B. Lemon, Esq. (Marine Insurance Co., Ltd.), 20, Old Broad Street, E.C.

A. H. Roberts, Esq. (Indemnity Mutual Marine Insurance Co., Ltd.), 1, Old Broad Street, E.C.

T. J. Storey, Esq. (British and Foreign Marine Insurance Co., Ltd.), 1, Old Broad Street, E.C.

INSURANCE BROKERS.

Walter E. Hargreaves, Esq., Winchester House, Old Broad Street, E.C.

Herman Simson, Esq., Lloyds, E.C.

George R. Stamp, Esq., 32, Cornhill, E.C.

Charles Wright, Esq., 27, Cornhill, E.C.

Thomas Forbes, Esq., 3, Lothbury, E.C.

Akroyd Hyslop, Esq., J.P., Merchants Marine Insurance Co., Hilton Grange, Sutton, Surrey.

AVERAGE ADJUSTERS.

Thomas S. Cookes, Esq. (of Manley Hopkins, Son and Cookes), 91, Gracechurch Street, E.C.

Arthur Lindley, Esq. (of Robert Lindley, Sons and Davidson, 83-90, Palmerston House, Bishopsgate, E.C.).

William Richards, Esq. (of William Richards and Son), 70, Gracechurch Street, E.C.

M. A. Rundell, Esq. (of Dale and Rundell, 79½, Gracechurch Street, E.C.).

F. C. Danson, Esq. (of F. C. Danson and Co., Tower Buildings, Water Street, Liverpool).

A. H. May, Esq. (of A. H. May and Son), Phœnix Buildings, 78, St. Vincent Street, Glasgow.

DECK OFFICERS.

Commander Alfred Houghton, R.N.R., 23, Catherine Street, Liverpool.

T. W. Moore, Esq., F.R.G.S., Imperial Merchant Service Guild, Lord Street, Liverpool.

MARINE ENGINEERS.

William Leo Marshall, Esq., General Secretary, Marine Engineers' Association, 15, East India Dock Road, E.

James Denny, Esq., Messrs. Denny and Co., Engineers, and Messrs. W. Denny and Bros., Shipbuilders, Dumbarton, N.B.

SEAMEN.

Peter Wright, Esq., Hillcrest, Gills Road, Newport, Mon.

T. Lewis, Esq., President of British Seafarers' Union, Southampton.

SEAMEN AND FIREMEN.

J. Havelock Wilson, Esq., Maritime Hall, West India Docks Road, E.

SHIPS' STEWARDS, ETC.

Joseph Cotter, Esq., 22, Canning Place, Liverpool.

The procedure set out in the following rules is to be followed so far as may be practicable in the circumstances of each case:—

RULES.

1. All claims whatsoever arising out of or in respect of the requisitioning of any British ship or vessel under His Majesty's Proclamation of the 3rd day of August, 1914(**a**), shall be made out in full detail and left in triplicate with or sent to the Secretary of the Admiralty, Whitehall, S.W., so soon as may be and in no case later than within one month from the taking up of the ship or vessel for His Majesty's service.

2. The claim shall be accompanied with all necessary vouchers and supporting documents and such explanatory statement as may be required to make clear the nature of the claim and the grounds thereof.

3. Each claim shall be considered by the Admiralty, who shall negiotiate with the claimant with a view to the adjustment and settlement thereof by agreement.

4. If the Admiralty and the claimant fail to arrive at an agreement within a reasonable time, to be determined in each case by the President of the Board of Arbitration, the Admiralty shall report the matter with the necessary papers to the President, who shall refer the claim to two Arbitrators selected by him from the panels of Arbitrators for consideration and report. The Arbitrators so selected shall have regard to any directions or instructions they may receive from the President; they may call for such further papers, evidence and particulars as they may require, and—if they think fit—may call upon the Admiralty and the claimant either to argue the matter before them or to submit written arguments on any points.

5. The joint award of such Arbitrators shall be final. If they are unable to agree, the matter shall be referred to the President of the Board of Arbitration as Umpire, who may require such further papers, evidence, particulars or argument as he may deem necessary. The award of the President shall be final.

6. The President may direct that any claim coming before the Board may be heard and disposed of by a Tribunal consisting of the President or Vice-President sitting with two Arbitrators selected by the President from the Panel, and that the award of any two members of such Tribunal shall be final and conclusive and shall not be subject to appeal or review.

7. The President may, from time to time, vary or supersede the existing Rules for regulating the procedure of the Board, or

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(**a**) Printed at p. 386, above.

of the Arbitrators nominated by him to such extent as he may consider necessary or desirable, and may also make additional rules of procedure.

8. The President may, from time to time, authorise the members of the Panel as a body, or any of them, and whether with or without the inclusion of himself or of the Vice-President, to act as a Board for the consideration of questions of general applicability such as the approximate monthly rate of hire for vessels of different classes and similar matters. Arbitrators nominated by the President in particular cases may have regard to, and consider, but shall not be bound by, the conclusions of any Board so constituted upon the questions submitted to such Board, and the fact that any Arbitrator appointed by the President in a particular case has been a member of any such Board, shall be no objection to his competency as an Arbitrator in such particular case.

The President may authorise any person or persons who, in his opinion, will efficiently and sufficiently represent the interests of parties concerned in any such question of general applicability submitted to any such Board, to appear before the Board and represent such interests accordingly.

9. The Arbitrators, or, in the event of their disagreement, the President, or Vice-President, may make interim awards as regards any of the questions submitted to them.

10. It shall be competent for the Arbitrators, adjudicating upon any claim, to receive as evidence any information, statements or testimony which may appear to them likely to be of assistance notwithstanding that the same may not be evidence according to law.

11. Any matter or question of procedure not disposed of by these rules or any question arising thereon shall be determined by the President of the Board of Arbitration as in his discretion he shall think fit to direct.

12. The Vice-President of the Board of Arbitration may by direction of the President act in any matter hereunder for the President, and he may also act as President should the President for any reason at any time be unable to act. Any direction or decision of the Vice-President when so acting for or as the President shall be as effectual as though made or given by the President.

Admiralty, Whitehall, S.W.,
31st August, 1914.

VOTE OF CREDIT.

Treasury Minute of the 20th August, 1914, relating to the Vote of Credit.

1. My Lords take into consideration the arrangements to be made for apportioning and accounting for the Vote of Credit for £100,000,000 granted by the House of Commons on the 6th instant, in the following terms, viz.:—

> "That a sum not exceeding £100,000,000 be granted to His Majesty beyond the ordinary grants of Parliament towards defraying the expenses which may be incurred during the year ending 31st March, 1915, for all measures which may be taken for the security of the country; for the conduct of Naval and Military operations; for assisting the food supply; for promoting the continuance of trade, industry, business, and communications, whether by means of insurance or indemnity against risk or otherwise; for relief of distress; and generally for all expenses arising out of the existence of a state of war."

2. The financial procedure to be adopted in the case of votes for special emergencies of the kind now in question has from time to time engaged the attention of the Public Accounts Committee and of this Board, and the Committee have expressed the view that in order to secure to the Treasury and to Parliament the greatest amount of information and control with respect to the expenditure which has to be met procedure should be by way of Supplementary Estimate rather than by a Vote of Credit.

3. In this view the Board of Treasury has generally concurred; it undertook, as long ago as 1880, that "wherever practicable . . . . a war not provided for in "ordinary estimates should be provided for by means of Supplementary Estimates for the Army or Navy, as the case may be, and not by a Vote of Credit," and this procedure was adopted in the case of the South African War.

4. On the present occasion Their Lordships were confronted with an emergency which must necessarily involve special expenditure (not only under the heads of Army and Navy, but in civil departments also) the amount and scope of which are as yet incapable of estimate or definition.

In these circumstances they have found themselves obliged to resort to the precedent, last adopted in 1885, of a Vote of Credit, and this Vote has necessarily been drawn in the widest terms.

5. For the guidance of the various departments now concerned Their Lordships think it desirable first to set out the principles which, after careful consideration, have from time to time been formulated by the Public Accounts Committee for dealing with Votes of Credit, and then to specify how far these principles may be applied to the existing situation.

6. The nature of a Vote of Credit is thus described in the Treasury Minute of 1st February, 1880:—

> " . . . a Vote of Credit differs from (*e.g.*) ordinary Army and Navy Votes, inasmuch as it is taken not by the Army and Navy Department but by the Treasury.
>
> "The House of Commons, in fact, dispenses for the time with its power of control, and grants a sum of money in gross, and without the usual limitations, to the Treasury as being the Central Department of Finance, to which it leaves the responsibility of distributing the money in the manner best calculated to meet the emergency. In discharge of this grave responsibility, it appears to my Lords that they are called upon to require the Department about to be entrusted with the actual expenditure of any part of the Vote to submit to the Treasury, in the first instance, a general scheme of the expenditure which such Department proposes to incur. This general scheme is meant, whenever practiacble, to precede the Vote of Credit and to be presented to Parliament as a record of the grounds on which the Vote is asked; it stands, indeed, for the Estimate, more or less detailed, for an ordinary Vote in Supply. After the Vote of Credit has been granted it remains with the Treasury to deal with the issues from it; and my Lords are of opinion that such issues should be demanded by the Spending Department, in letters to the Treasury, explanatory of the proposed mode of spending them.
>
> "These letters, together with the original scheme and with the Treasury replies, are meant to form a consecutive record of the total expenditure, and of the authority for it.
>
> "The sanction thus given by the Treasury should be held to cover all expenditure of ordinary character. My Lords, however, agree with the Comptroller and Auditor-General that in every case where 'the expenditure is exceptional, either in its character or its amount,' the special authority of the Treasury ought to be obtained.
>
> "In thus stating their views my Lords are aware that the procedure which they have sketched is descriptive of their intention rather of any uniform practice hitherto, but they have thought it desirable, since the question has been brought before them, to place their opinion on record . . . . "

7. The following rules have also been laid down:—

The accounts relating to the ordinary services of a year should be kept distinct from those relating to extraordinary services.

However wide may be the terms of the Vote of Credit, the charge against it must not exceed the aggregate of the sums which the spending Departments can identify as *directly* occasioned by or for the event or object to meet which the Vote was taken. A Vote of Credit must not be considered as applicable to meet deficiencies on ordinary Votes: and the surpluses and deficits on ordinary grants must be clearly exhibited.

A Vote of Credit is now so drawn as to be applicable only to a single financial year.

So far as possible a Department should mark separate vouchers for expenditure as appertaining to a Vote of Credit.

A Vote of Credit may be applied to meet a deficiency in Appropriations in Aid arising out of the emergency for which the Vote was granted.

As regards issues to the Paymaster-General the ordinary grant has always first to be exhausted before resort is had to an issue out of the Vote of Credit.

On the conclusion of peace, expenditure should be terminated as promptly as possible.

8. My Lords now proceed to indicate how far these principles must be modified in view of the present situation.

The emergency to meet which the Vote of Credit was granted on the 6th instant developed with such rapidity, and the scope of the expenditure for which it might call was and is still, as already stated, so incapable of definition, that it was quite impracticable for the Departments concerned to present to the Treasury, or for the Treasury to submit to Parliament in support of the Vote, any general scheme of the expenditure proposed to be incurred.

9. But Their Lordships must now request public Departments to submit for their approval and for the information of Parliament at the earliest practicable moment the best estimate they can frame of their probable requirements.

10. So far as Civil Departments are concerned, *i.e.*, all Departments other than the Admiralty and the War Office, my Lords recognise that it is impossible at the present moment to calculate the sums that may be required, *e.g.*, for assisting the food supply, for promoting the continuance of trade, industry, and business, or for the relief of distress; nevertheless Their Lordships rely upon Departments to submit for their approval as soon as they are framed any schemes which involve expenditure for these purposes and to do their best to indicate their cost, either by estimates of the total expenditure involved or by calculations as to the probable outlay per week or month according to circumstances.

11. In all such cases where schemes have been initiated and expenditure is being incurred it is essential that Their Lordships should be kept informed of any circumstances which may affect either the estimate of the aggregate expenditure or the rate at which it will be incurred, and they should be furnished with monthly statements of the total payments made in respect of Vote of Credit services.

12.—(*a*) As regards the form of accounts, little difficulty arises when services fall within the ambit of Part I. of the Parliamentary Estimate. The existing sub-heads should be preserved as far as possible—the expenditure from each under the ordinary Vote and the Vote of Credit being shown separately. In such instances the account for the Vote of Credit—which will be prepared in the Treasury—will merely show the amount issued to the Department concerned: and the Department will account for its original Vote as supplemented by the issue.

(*b*) Where services are entirely outside the ambit of any Parliamentary Estimate the Treasury will issue the necessary funds to the responsible officer or Department by way of imprest to be accounted for to the Treasury and will in due course annex to its account of the Vote of Credit a schedule, prepared by the officer or body to whom the imprests have been made, showing the detailed application of the expenditure.

Any intermediate cases can be considered as they arise.

13. Subject to these modifications the apportionment and accounting of the Vote of Credit will proceed in accordance with the principles recited in paragraphs 6 and 7 of this minute and Their Lordships need not revert to them in detail.

But They would emphasise the recommendation that departments should at once begin to earmark special expenditure chargeable to the Vote of Credit as opposed to expenditure chargeable to ordinary grants. Vote of Credit orders and vouchers should be specially marked by stamping or otherwise; and it must always be borne in mind that the charge against the Vote of Credit must not exceed the aggregate of the sums which the spending Departments can identify as directly occasioned by or for the event or object to meet which the Vote was taken..

14. With regard to the expenditure incurred by the Admiralty and the War Office, my Lords would have been glad if the same procedure could have been followed. They have, however, received representations from the Army Council in the War Office letter of the 14th instant (annexed to this Minute), which satisfy them that the procedure laid down in the past and prescribed above for Civil Departments is not applicable in the present emergency to military and naval expenditure.

15. As the Army Council state in that letter, it is no longer a question of a peace system continuing in operation in the Empire as a whole, disturbed by a local war in some one part; but of the placing of all the military and naval resources of the country simultaneously on a war footing. Under these conditions, any attempt to record peace expenditure in detail against peace estimates must be largely futile.

16. My Lords concur with the view which the Army Council and the Lords Commissioners of the Admiralty have taken as regards expenditure incurred by the War Office and the Admiralty. These Departments exist for the purpose of the preparation and training for war, and when a war such as the present breaks out, the conduct of which involves the entire naval and military resources of the State, practically the whole of their expenditure is *ipso facto* transformed into war expenditure. It would in Their Lordships' opinion be impossible to distinguish for accounting purposes between the ordinary expenditure for such services as pay and the supply of fuel upon a peace basis and the expenditure under these heads directly attributable to the war.

17. My Lords consider, therefore, that They will best discharge the duty imposed upon them by the action of Parliament by regarding the whole of the ordinary grants for Army and Navy Votes as available for war expenditure equally with so much of

the Vote of Credit as may be required for Army and Navy services, and by calling on the two Departments to furnish Estimates of their expenditure in a form to be approved by Their Lordships, classified so far as may be possible according to the ordinary Votes, distinguishing non-recurrent expenditure from recurrent, and stating the probable weekly amount of the latter.

Treasury sanction to such estimates would cover all ordinary expenditure included in them in the same way that Treasury sanction to the totals of the normal estimates for the Army or Navy covers all ordinary expenditure provided for in those estimates.

18. The whole of Army and Navy expenditure will be brought to account under the Votes and Subheads provided in the Parliamentary Estimates or such special Subheads as may be required, and the amount by which the expenditure exceeds the Supply Grants for the Army and Navy will be charged against the Vote of Credit. If savings arise on any Army and Navy Votes, my Lords will be prepared to authorise their application to meet excesses involved by war expenditure on other Army and Navy Votes in the same manner as such savings are ordinarily utilised.

19. It is of the greatest importance that Their Lordships should be kept informed by monthly returns of the total amount of the orders for payment which have, in fact, been issued by the Admiralty and the War Department, and they should also be advised of any circumstances which affect estimates previously sanctioned in respect of either aggregate liability or rate of expenditure.

20. All applications for issues from the Vote of Credit, whether by way of imprest, as in the cases contemplated in paragraph 12 (*b*) above, or, as in the case of the Army and Navy and in the circumstances indicated in paragraph 12 (*a*), to supplement the ordinary Parliamentary Grant, should be addressed direct to this Department.

War Office Letter referred to in Paragraph 14.

121/Finance/4 (Accounts 1a).

War Office, S.W.,
14th August, 1914.

Sir,

I am commanded by the Army Council to acquaint you that they have been considering, in communication with the Admiralty, the method of accounting for expenditure defrayed from ordinary votes and from the Vote of Credit, during the present emergency.

They are aware of the view taken in the past by the Public Accounts Committee and by the Treasury, as to the distinguishing of ordinary from special expenditure, when an additional grant is given by Parliament for expeditions or war preparations, to supplement the ordinary expenditure for current services, which continue to be carried out in accordance with the year's estimate;

but in seeking to give effect to this view in the present circumstances, they are met by the fact that the state of affairs is very different from that obtaining in the earlier instances in question.

It is no longer a question of a peace system continuing in operation in the Empire as a whole, disturbed by a local war in some one part; but of the placing of all the Military and Naval resources of the country simultaneously on a war footing.

Under these conditions, any attempt to record peace expenditure in detail against peace estimates must be largely futile. Thus, the extra war expenditure for men, provisions, &c. will not admit of being actually earmarked in the accounts, and could only be arrived at by calculation both of numbers and of changes of rates owing to war conditions; and it does not appear that any such elaborate computations could arrive at more accuracy than the deduction of the original estimate (as representing the "peace" expenditure) from the total expenditure. In some cases even this method of approximation is not available.

After full consideration they trust that Their Lordships will be prepared to agree that, while all Army expenditure shall be brought to account under the Sub-heads by which it is normally voted by Parliament or under such special Sub-heads as may be called for by the circumstances of the case no attempt shall be made in general to earmark particular items as "Normal" or "Vote of Credit." But where the expenditure under a particular Sub-head wholly or largely ceases in consequence of the change from peace to war, as in the cases (*e.g.*) of Army Reserve Pay (Vote 1 G.) or Half Pay of Officers (Vote 13 C.), there will be surpluses on such Sub-heads, which will be brought out in the accounts in the usual way. As regards Building Works, also, the Council propose to proceed on somewhat similar lines, confining the existing Sub-heads (Vote 10 E. F. and G.) as far as possible to the Peace Programme, and opening new Sub-heads for expenditure necessitated by the war.

In preparing the Parliamentary Accounts for the year, there would be charged against the Vote of Credit and recorded in the Army Appropriation Account as War Expenditure, all expenditure in excess of the original estimate on all Sub-heads other than those of the classes above indicated, so that the Appropriation Account of the normal Votes (after transfer to balance excesses has been made from the Vote of Credit) would show as a surplus the accumulated surpluses under the Sub-heads indicated.

The Army Council understand that the Lords Commissioners of the Admiralty concur in the above views, and they will be glad to receive early sanction to put them into effect, and so prevent a large amount of unnecessary clerical labour at a time when the Accounting Staff of both departments is strained to the utmost.

I am, Sir,
Your obedient Servant,
(Signed) B. B. CUBITT.

WIRELESS TELEGRAPHY.

Notice, dated August 1, 1914, that an Emergency has arisen in which it is expedient that His Majesty's Government should have control over the Transmission of Messages by, and the use of, Wireless Telegraphy.(**a**)

General Post Office.

In pursuance of Regulation 5 of the Wireless Telegraphy (Foreign Ships) Regulations, 1908,(**b**) I, the Right Honourable Charles Edward Henry Hobhouse, His Majesty's Postmaster-General, do hereby give notice that in the opinion of the Right Honourable Reginald McKenna, one of His Majesty's Principal Secretaries of State, an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the transmission of messages by wireless telegraphy, and that the use of wireless telegraphy on board foreign ships whilst in the territorial waters of the British Isles will be subject to such rules as may be made by the Admiralty.(**c**)

Dated this First day of August, 1914.

Admiralty Regulations for the Prohibition of the use of Wireless Telegraphy by Merchant Vessels in the territorial waters of the United Kingdom and Channel Islands.

1. The use of wireless telegraphy is prohibited in the harbours and territorial waters of the United Kingdom and Channel Islands.

2. On entering any port or harbour, or on directions being given to that effect by any Naval, Military, Examination Service, Customs or Police Officer, the aerial wire or antenna is to be at once lowered, disconnected from its halliards and from the operating room, and is not to be rehoisted while the ship remains in British territorial waters.

3. Any breach of these regulations renders the masters of offending ships liable to penalties, and to the confiscation of the wireless apparatus of their ships.

(**a**) This Notice was published in the "London Gazette" of August 4th, 1914.

(**b**) The Regulations (1908–496) made by the Postmaster-General, June 20th 1908, under the Wireless Telegraphy Act, 1904 (4 Edw. 7, c. 24), are printed in Statutory Rules and Orders, 1908, pp. 961–963.

(**c**) *See* Admiralty Rules printed below.

APPENDIXES.

[*A list of these Appendixes is given at p. ii., and attention is also directed to the Prefatory Note at p. iii. which describes their character and object.*]

Appendix A.

PROHIBITIONS AND RESTRICTIONS ON THE EXPORTATION OF GOODS.

I.

List of goods prohibited to be exported from the United Kingdom by Proclamations of 3rd, 5th, 10th and 20th August, 1914,(**a**) as modified by Orders of Council of 28th August, 1st, 8th, 11th and 25th September, 1914,(**b**) and lastly by Order of Council, of October 6th, 1914(**c**):—

Acetanilide.
Acetone.
Acetyl salicylic acid (aspirin) and salicin.
Aconite and its preparations and alkaloids.
Adrenin.
Adrenalin and its preparations.
Aeroplanes airships, balloons, of all kinds and their component parts.
Alcohols, ethylic.
Alcohols, methylic.
Alkaline, iodides.
Ammonium Sulphocyanide.
Animals, pack, saddle, and draught, suitable for use in war.(**d**)
Antipyrine (phenazone).
Arms, rifled of all kinds, and their component parts.
Balsam of Peru.
Belladonna and its preparations and alkaloids.
Benzoic acid (synthetic) and benzoates.
Benzol.
Bismuth and its salts.
Blankets, coloured, exceeding 3½ lbs. in weight, known as "woollen" blankets.
Bromine and alkaline bromides.
Cantharides and its preparations.
Carbolic acid.
Carbons required for searchlights.
Cartridges, charges of all kinds, and their component parts, other than sporting cartridges, charges, and their component parts.
Chloral and its preparations, including chloramid.

(**a**) These Proclamations are printed at pp. 160–170 above.
(**b**) These Orders of Council are printed at pp. 170–176 above.
(**c**) This Order of Council is printed in the Supplement at the end of the Manual.
(**d**) This prohibition was extended to the carriage coastwise of all such animals between ports of the United Kingdom by Order of Council of September 25th, 1914, printed at p. 175 above.

Chloroform.
Chrome and ferro-chrome.
Chrysarobin.
Cinchona bark, quinine and its salts.
Citrate of magnesia.
Citric acid, alkaline citrates and calcium citrate.
Cloth, hempen.
Coal sacks.
Coal tar products for use in dye manufacture, except aniline oil and aniline salt.
Coca and its preparations and alkaloids.
Collodion.
Copper, ore or unwrought, all kinds.
Corrosive sublimate.
Cotton waste of all descriptions.
Cresol and all preparations thereof (including cresylic acid) and nitro-cresol.
Diethylbarbituric acid (veronal) and veronal sodium.
Dimethylaniline.
Dulcite.
Dyes and dyestuffs obtained from coal tar.
Emetin hydrochlor.
Ether.
Ethyl chloride.
Ergot of rye and its preparations and alkaloids.
Eucaine hydrochlor.
Field glasses and telescopes.
Forage and food of all kinds for animals.
Formic aldehyde.
Fulminate of mercury.
Gentian and its preparations.
Glycerine, crude and refined.
Guncotton.
Gunpowder.
Harness and saddlery which can be used for military purposes.
Hemp cordage and twine, not including cordage or twine of manila hemp or reaper or binder twine.
Henbane and its preparations.
Hexamethylene tetramin (urotropin) and its preparations.
Hides of all kinds, dry or wet.
Hydrobromic acid.
Hydroquinone.
Iodine and its preparations.
Khaki serge.
Lead, pig, sheet or pipe.
Leather, undressed or dressed, suitable for saddlery, harness, or military boots.
Lysol.
Mannite.
Mercury and its salts and preparations.
Morphia and other alkaloids of opium.
Neo-salvarsan.
Nets, torpedo.
Nickel and ferro-nickel.
Nitrate of sodium.

Nitro-toluol.
Novocain.
Nux Vomica and its alkaloids and preparations.
Oil, blast furnace.
Oil, coal tar.
Oil, fuel, shale.
Oil, mineral lubricating.
Oil of turpentine.
Oil, olive.
Opium and its preparations.
Paraffin, liquid, medicinal.
Paraffin, soft.
Paraldehyde.
Pastilles, jujubes, lozenges and cachous generally containing prohibited ingredients.
"Peptone Witte."
Peroxide of manganese.
Petroleum, fuel oil.
Petroleum, gas oil.
Petroleum, spirit or motor spirit (including Shell spirit).
Phenacetin.
Pig-skins, raw or dressed.
Pilocarpine salts.
Potassium and its salts and preparations (including bichromate and prussiate of potash).
Projectiles of all kinds and their component parts.
Protogol.
Provisions and victuals which may be used as food for men, viz.:—
- (**a**) Animals, living, for food.
- (**a**) Barley and oats.
- (**a**) Butter.
- (**a**) Cheese.
- (**a**) Eggs.
- (**a**) Margarine.
- Molasses and invert sugar, and all sugar and extracts from sugar which cannot be completely tested by the polariscope.
- Sugar, refined and candy.
- Sugar, unrefined.
- (**a**) Wheat and wheat flour.

Pyrogallic acid.
Saccharin (including "saxin").
Salicylic acid and salicylates.
Saltpetre.
Salvarsan.
Santonin and its preparations.
Sheep and lambs' wool, raw.
Silk cloth, silk braid, silk thread, suitable for cartridges.
Silk noils.
Sulphonal.

(**a**) This prohibition was withdrawn by Order of Council of August 28th, 1914 (printed at p. 170 above), in respect of His Majesty's Dominions, Colonies not possessing responsible government, British India, Territories under His Majesty's Protection, Cyprus, the Channel Islands, and Egypt.

Sulphate of zinc.
Surgical bandages and dressings.
Tartaric acid and alkaline tartrates.
Thymol and its preparations.
Toluol.
Trional.
Tungsten.
Wolfram ore.
Zinc.

II.

List of goods prohibited for Exportation to all Foreign Ports in Europe and on the Mediterranean and Black Sea, with the exception of those of Belgium, France, Russia (except the Baltic Ports), Spain and Portugal by Proclamation of August 5th and 20th (**a**) as modified by Orders of Council of September 8th and 25th, 1914(**b**), and of October 6th, 1914(**c**):—

Accoutrements.
Aluminium alloys: aluminium.
Armour plates, armour quality castings, and similar protective material.
Asbestos.
Bags and sacks of all kinds (not including paper bags).
Barbed wire.
Bladders, casings and sausage skins.
Cables, telegraph and telephone.
Camp equipment, articles of.
Cannon and other ordnance, and parts thereof.
Carriages and mountings for cannon and other ordnance and for machine guns and parts thereof.
Castor oil.
Compasses, and parts thereof, including fittings, such as binnacles.
Engine and boiler packings .
Explosives of all kinds.
Farriers', carpenters', wheelers', and saddlers' tools.
Flaxen canvas, namely:—
  Royal Navy canvas;
  Merchant Navy canvas;
  Kitbag canvas;
  Hammock canvas.
Graphite.
Heliographs.
Horse and pony shoes.
Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms or of war material for use on land and sea.
India-rubber sheet, vulcanized.
Iron ore.
Jute, raw.
Linen duck cloth.

(**a**) These Proclamations are printed at pp. 162, 168 above.
(**b**) These Orders of Council are printed at pp. 172, 175 above.
(**c**) This Order of Council is printed in the Supplement at the end of this Volume.

Linen close canvas.
Manganese, including ferro-manganese.
Material for telegraphs, wireless telegraphs and telephones.
Men's marching and shooting boots.
Mica.
Mineral jellies.
Mines and parts thereof
Molybdenum.
Nitrates of ammonium.
Nitrates of potassium.
Nitric acid.
Picric acid and its components.
Portable forges.
Railway material, both fixed and rolling stock.
Range finders and parts thereof.
Rope, steel wire, and hawsers.
Rubber, raw.
Shipbuilding materials, namely—
  Boiler tubes;
  Condenser tubes;
  Iron and steel castings and forgings for hulls and machinery of ships;
  Iron and steel plates and sectional material for shipbuilding;
  Marine engines and parts thereof;
  Ships' auxiliary machinery;
Sounding machines and gear.
Steam vessels, lighters, and barges of all descriptions.
Sulphur.
Sulphuric acid.
Swords, bayonets and other arms (not being fire-arms) and parts thereof.
Torpedo tubes.
Torpedoes and parts thereof.
Uniform clothing and military equipment.
Vanadium.
Wagons and carts—
  Four-wheeled wagons, capable of carrying 1 ton and over.
  Two-wheeled carts, capable of carrying 15 cwts. and over.
Walnut wood of scantling which could be made into rifle butts and fore-ends.

III.

LIST OF CONTRABAND GOODS.

The following articles are declared by the Proclamation of August 4th(**a**) to be absolute contraband and must not be exported if destined to territory belonging to or occupied by the enemy or to the fleets or armies of the enemy:—

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Gun mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts.

(**a**) Printed at p. 108 above.

5. Clothing and equipment of a distinctively military character.
6. All kinds of harness of a distinctively military character.
7. Saddle, draught, and pack animals suitable for use in war.
8. Articles of camp equipment, and their distinctive component parts.
9. Armour plates.
10. Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
11. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognisable as intended for use in connection with balloons and aircraft.
12. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

The following articles are declared by the Proclamations of August 4th(**a**) and September 21st(**b**) to be conditional contraband, and must not be exported if destined for the use of the fleets or armies of the enemy or of a Government department of the enemy State:—

1. Food-stuffs.
2. Forage and grain, suitable for feeding animals.
3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds available for use in war, and their component parts.
6. Vessels, craft and boats of all kinds; floating docks, parts of docks, and their component parts.
7. Railway material, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel: Lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Barbed wire, and implements for fixing and cutting the same.
11. Horse-shoes and shoeing materials.
12. Harness and saddlery.
13. Field-glasses, telescopes, chronometers, and all kinds of nautical instruments.
14. Copper, unwrought.
15. Lead, pig, sheet, or pipe.
16. Glycerine.
17. Ferrochrome.
18. Hæmatite Iron Ore.
19. Magnetic Iron Ore.
20. Rubber.
21. Hides and Skins, raw or rough tanned (but not including dressed leather).

(**a**) Printed at p. 108 above.
(**b**) Printed at p. 111 above.

Appendix B.

I. THE DEFENCE OF THE REALM ACT.

[*Note.*—This is a Consolidation of Section 1 of "The Defence of the Realm Act, 1914" (4 & 5 Geo. 5. c. 29) (printed in full at p. 13 above), as amended by "The Defence of the Realm (No. 2) Act, 1914" (4 & 5 Geo. 5. c. 63) (printed in full at pp. 22, 23 above), comprising the whole of these Acts except the short title sections.]

Power to make regulations.

1. His Majesty in Council has power during the continuance of the present war to issue regulations as to the powers and duties of the Admiralty and Army Council, and of the members of His Majesty's forces, and other persons acting in His behalf, for securing the public safety and the defence of the realm; and may, by such regulations, authorise the trial by courts martial and punishment of persons contravening any of the provisions of such regulations designed—

(a) to prevent persons communicating with the enemy or obtaining information for that purpose or any purpose calculated to jeopardise the success of the operations of any of His Majesty's forces or to assist the enemy or to prevent the spread of reports likely to cause disaffection or alarm; or

(*b*) to secure the safety of any means of communication, or of railways, docks or harbours or of any area which may be proclaimed by the Admiralty or Army Council to be an area which it is necessary to safeguard in the interests of the training or concentration of any of His Majesty's forces;

in like manner as if such persons were subject to military law and had on active service committed an offence under section five of the Army Act and may by such regulations also provide for the suspension of any restrictions on the acquisition or user of land, or the exercise of the power of making byelaws, or any other power under the Defence Acts, 1842 to 1875, or the Military Lands Acts, 1891 to 1903.

II. THE DEFENCE OF THE REALM REGULATIONS.

[*Note.*—This is a Consolidation of the "Defence of the Realm Regulations, 1914" (printed in full at pp. 146–151 above under the heading "DEFENCE OF THE REALM"), as amended by the "Defence of the Realm (No. 2) Regulations, 1914" (printed in full at pp. 151–154 above), and by Regulations of September 17th, 1914 (printed at pp. 154, 155 above).]

PART I.

General Regulations.

1. The ordinary avocations of life and the enjoyment of property will be interfered with as little as may be permitted by the exigencies of the measures required to be taken for securing the public safety and the defence of the Realm, and ordinary civil

offences will be dealt with by the civil tribunals in the ordinary course of law.

The Admiralty and Army Council, and members of the Naval and Military Forces, and other persons executing the following Regulations shall, in carrying those Regulations into effect, observe these general principles.

2. It shall be lawful for the competent naval or military authority and any person duly authorised by him, where for the purpose of securing the public safety or the defence of the Realm it is necessary so to do—

(*a*) to take possession of any land and to construct military works, including roads, thereon, and to remove any trees, hedges, and fences therefrom;

(*b*) to take possession of any buildings or other property, including works for the supply of gas, electricity, or water, and of any sources of water supply;

(*c*) to take such steps as may be necessary for placing any buildings or structures in a state of defence;

(*d*) to cause any buildings or structures to be destroyed, or any property to be moved from one place to another, or to be destroyed;

(*e*) to do any other act involving interference with private rights of property which is necessary for the purpose aforesaid.

3. The competent naval or military authority and any person duly authorised by him shall have right of access to any land or buildings, or other property whatsoever.

3A(**a**). The competent naval or military authority may by order authorise the use of land within such limits as may be specified in the order for the training of any part of His Majesty's naval or military forces; and may by such order confer such rights of user of the land, and provide for such temporary suspension of rights of way over roads and footpaths, as are conferred and exercisable with respect to authorised land roads and footpaths under the Military Manœuvres Acts, 1897 and 1911, and the competent naval or military authority shall have all the powers exercisable by the Military Manœuvres Commission under those Acts.

3B(**a**). The restriction on the power to make byelaws under the Military Lands Acts, 1892 to 1903, imposed by the following provisions of the Military Lands Act, 1892, that is to say, the proviso to subsection (1) of section fourteen, section sixteen, and subsection (1) of section seventeen of that Act, and by the following provisions of the Military Lands Act, 1900, that is to say, the provisoes to sub-section (2) of section two and sub-section (3) of section two of that Act, are hereby suspended, and the powers of the Admiralty and the Secretary of State to make byelaws under the said Acts shall extend to the making of byelaws with respect to land of which possession has been taken under these Regulations.

3C(**a**). The competent naval or military authority may if he considers it necessary so to do for the purposes of any work of defence or other defended military work, or of any work

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(**a**) Regulations 3A to 3C were added by Article 1 of Regulations (No. 2).

for which it is deemed necessary in the interests of public safety or the defence of the Realm to afford military protection, stop up or divert any road or pathway over or adjoining the land on which such work is situate:

Provided that where any such road or pathway is so stopped up or diverted the competent naval or military authority shall publish notice thereof in such manner as he may consider best adapted for informing the public, and where any road or pathway is stopped up by means of any physical obstruction he shall cause lights sufficient for the warning of passengers to be set up every night whilst the road or pathway is so stopped up.

4. The competent naval or military authority may by order require all vehicles, boats, and vessels, and all forms of equipment and warlike stores, within any area specified in the order to be removed from that area within such time as may be so specified, or in the case of military stores incapable of removal to be destroyed, and if the owners thereof fail to comply with the requisition, the competent naval or military authority may himself cause them to be removed or in the case of military stores destroyed.

5. Where the competent naval or military authority so orders, all persons residing or owning or occupying land, houses, or other premises within such area as may be specified in the order, shall furnish within such time as may be so specified, a list of all or any animals, vehicles, boats, vessels, and warlike stores which may be in their possession or custody within the specified area, stating their nature and quantity, and the place in which they are severally situated, and giving any other details that may reasonably be required.

6. The competent naval or military authority may by order require the inhabitants to leave any area (specified in the order) within or in the neighbourhood of a defended harbour(**a**) or proclaimed area if the removal of persons from that area is necessary for naval or military reasons.

7. The competent naval or military authority may by order require all premises licensed for the sale of intoxicating liquor within or in the neighbourhood of any defended harbour(**a**) or proclaimed area to be closed except during such hours as may be specified in the order.

7A(**b**). The Secretary of State may by order direct that all or any lights, or lights of any class or description, shall be extinguished, or obscured in such manner and between such hours as the order directs, within any area specified in the order(**c**) and during such period as may be so specified, and if the person having control of the light fails to comply with the order, the Secretary of State may cause the light to be extinguished or obscured as the case may be, and for that purpose any person

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(**a**) The words "or proclaimed area" were inserted in Regulations 6 and 7 by Article 8 of the No. 2 Regulations.

(**b**) Regulation 7A was added by Article 2 of the September 17th Regulations.

(**c**) The Order made by the Secretary of State October 5th, 1914, under this power is printed at pp. 157, 158 above under the heading "DEFENCE OF THE REALM".

authorised by the Secretary of State in that behalf or any police constable may enter the premises in which the light is displayed, and do any other act which may be necessary for the purposes.

8. No person shall obstruct or otherwise interfere with or impede, or withhold any information in his possession, which he may reasonably be required to furnish, from any officer or other person who is carrying out the orders of the competent naval or military authority, or who is otherwise acting in accordance with his duty under these regulations.

9. No person shall trespass on any railway, or loiter under or near any bridge, viaduct, or culvert, over which a railway passes.

10. If any person knows that any other person has without lawful authority in his possession or custody, or under his control, any firearms or ammunition (other than shot guns and ammunition for them), dynamite, or other explosives, it shall be his duty to inform the competent naval or military authority of the fact.

11. The competent naval or military authority shall publish notice of any order made by him in pursuance of these regulations in such manner as he may consider best adapted for informing persons affected by the order, and no person shall without lawful authority deface or otherwise tamper with any notice posted up in pursuance of these Regulations.

12. If the competent naval or military authority has reason to suspect that any house, building, land, ship, vessel, or other premises are being used for any purpose or in any way prejudicial to the public safety or the defence of the Realm, the authority, or any person duly authorised by him, may enter, if need be by force, the house, building, land, ship, vessel, or premises at any time of the day or night, and examine, search, and inspect the same or any part thereof, and may seize anything found therein which he has reason to suspect is being used or intended to be used for any such purpose as aforesaid.

12A(**a**). Any police officer or any person authorised for the purpose by the competent naval or military authority may stop any vehicle travelling along any public highway, and, if he has reason to suspect that the vehicle is being used for any purpose or in any way prejudicial to the public safety or the defence of the Realm, may search the vehicle and seize anything found therein which he has reason to suspect is being used or intended to be used for any such purpose as aforesaid.

12A(**b**). No person shall bring into the United Kingdom any military arms or ammunition without the permit of the competent naval or military authority, and any person authorised for the purpose by the competent naval or military authority, and any police constable or officer of customs, may examine, search and investigate any ship for the purpose of the enforcement of this provision, and may seize any military arms or ammunition which are being or have been brought into the United Kingdom without such permit as aforesaid.

(**a**) Regulation 12A was added by Article 2 of the No. 2 Regulations.

(**b**) This Regulation, which like the previous one is numbered 12A, was added by the Regulations of September 17th, 1914.

13. Any person authorised for the purpose by the competent naval or military authority, and any police constable or officer of customs(**a**), may arrest without warrant any person whose behaviour is of such a nature as to give reasonable grounds for suspecting that he has acted or is acting or is about to act in a manner prejudice to the public safety or the safety of the Realm, or upon whom may be found any article, book, letter, or other document, the possession of which gives grounds for such a suspicion, or who is suspected of having committed an offence against these Regulations.

Any person so arrested shall, if he is to be tried by court-martial, be handed over to or kept in military custody, and in other cases shall be detained until he can be dealt with in the ordinary course of law, and whilst so detained shall be deemed to be in legal custody.

No person shall assist or connive at the escape of any person who may be in custody under this Regulation, or knowingly harbour or assist any person who has escaped.

PART II.

Regulations specially designed to prevent persons communicating with the enemy and obtaining information for disloyal purposes, and to secure the safety of means of communication and of railways, docks, and harbours.

14. No person shall without lawful authority publish or communicate any information with respect to the movement or disposition of any of the forces, ships, or war materials of His Majesty or any of His Majesty's allies, or with respect to the plans of any naval or military operations by any such forces or ships, or with respect to any works or measures undertaken for or connected with the fortification or defence of any place, if the information is such as is calculated to be or might be directly or indirectly useful to the enemy.

15. No person shall without the permission of the competent naval or military authority make any photograph, sketch, plan, model, or other representation of any naval or military work, or of any dock or harbour work in or in connection with a defended harbour, and no person in the vicinity of any such work shall without lawful authority have in his possession any photographic or other apparatus or other material or thing suitable for use in making any such representation.

For the purpose of this Regulation the expression "harbour work" includes lights, buoys, beacons, marks, and other things for the purpose of facilitating navigation in or into a harbour.

16. No person without lawful authority shall injure, or tamper or interfere with, any wire or other apparatus for transmitting telegraphic or telephonic messages, or any apparatus or contrivance intended for or capable of being used for a signalling apparatus, either visual or otherwise, or prevent or obstruct or in

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(**a**) The first words of Regulation 13 are printed as amended by the Regulations of September 17th.

any manner whatsoever interfere with the sending, conveyance or delivery of any communication by means of telegraph, telephone, or otherwise, or shall be in possession of any apparatus capable of being used for tapping messages sent by wireless telegraphy or otherwise.

And no person shall in any area which may be prescribed by order of a Secretary of State(**a**) keep or have in his possession any carrier or homing pigeons, unless he has obtained from the chief officer of police of the district a permit for the purpose (which permit may at any time be revoked), and the chief officer of police may, if he considers it necessary or expedient to do so, cause any pigeons kept in contravention of this regulation to be liberated.

(**b**) No person shall without such permission as aforesaid bring any carrier or homing pigeon into the United Kingdom, and any police constable or officer of customs may cause any such pigeon brought into the United Kingdom in contravention of this Regulation to be immediately returned in the ship in which it came, or be liberated.

17. No person shall with the intent of eliciting information for the purpose of communicating it to the enemy or for any purpose calculated to assist the enemy, give or sell to a member of any of His Majesty's forces any intoxicating liquor; and no person shall give or sell to a member of any of His Majesty's forces employed in the defence of any railway, dock, or harbour(**c**), or proclaimed area any intoxicating liquor when not on duty, with intent to make him drunk, or when on sentry or other duty, either with or without any such intent.

18. No person shall do any injury to any railway, or be upon any railway, or under or near any bridge, viaduct, or culvert over which a railway passes with intent to do injury thereto.

19. No person shall by the discharge of firearms or otherwise endanger the safety of any member of any of His Majesty's Forces travelling on or guarding any railway.

20. No person, without the permission of the competent naval or military authority, shall in the vicinity of any railway or of any dock or harbour(**d**) or proclaimed area be in possession of dynamite or any other explosive substance, but nothing in this Regulation shall be construed as affecting the possession of ammunition for sporting purposes.

21(**e**). No person shall by word of mouth or in writing spread reports likely to cause disaffection or alarm among any of His Majesty's forces or among the civilian population.

(**a**) The Order of the Secretary of State of September 21st, 1914, which prescribed the whole of the United Kingdom as the area, is printed at p. 157 above under the heading "DEFENCE OF THE REALM."

(**b**) The last paragraph of this Regulation was added by Article 4 of the Regulations of September 17th.

(**c**) The words "or proclaimed area" were inserted in Regulation 17 by Article 8 of the No. 2 Regulations.

(**d**) The words "or proclaimed area" were inserted in Regulations 20, 22, 23, and 24, by Article 8 of the No. 2 Regulations.

(**e**) Regulation 21 as here printed was substituted for Regulation 21 of the first Regulations by Article 4 of the No. 2 Regulations.

22. No person shall, if an order to that effect has been made by the competent naval or military authority, light any fire or show any light on any hill within such radius from any defended harbour(**a**) or proclaimed area as may be specified in the order.

23. The competent naval or military authority at any defended harbour(**a**) or proclaimed area may by order direct that all lights, other than lights not visible from the outside of any house, shall be kept extinguished between such hours and within such area as may be specified in the order; and all persons resident within that area shall comply with the order.

24. The competent naval or military authority at any defended harbour(**a**) or proclaimed area may by order require every person within any area specified in the order to remain within doors between such hours as may be specified in the order, and in such case no person shall be or remain out between such hours unless provided with a permit in writing from the competent naval or military authority or some person duly authorised by him.

24A(**b**). Where the behaviour of any person is such as to give reasonable grounds for suspecting that he has acted, or is acting, or is about to act in a manner prejudicial to the public safety or the safety of the Realm, the competent naval or military authority may, by order, direct him to cease to reside in any area (specified in the order) within or in the neighbourhood of a defended harbour or proclaimed area, and any person to whom the order relates shall, within such time as may be specified in the order, leave the area specified in the order, having first reported his proposed residence to the competent naval or military authority, and shall not again reside in that area without a permit for the purpose from that authority.

25. If any person with the object of obtaining any information for the purpose of communicating it to the enemy or of assisting the enemy, or with intent to do any injury to any means of communication or to any railway, dock or harbour, forges, alters or tampers with any pass, permit or other document, or uses or has in his possession any such forged, altered or irregular pass, permit, or document with the like object or intent, or with the like object or intent, personates any person to whom a pass, permit, or other document has been duly issued, he shall be guilty of a contravention of these Regulations and may be tried and punished accordingly; and where in any proceedings against a person for contravention of this Regulation it is proved that he has forged, altered, or tampered with the pass, permit, or other document in question, or has used or had in his possession the forged, altered, or irregular pass, permit, or document in question, or has personated the person to whom the pass, permit, or document was duly issued, he shall be presumed to have forged, altered, or tampered with it, or to have used or had it in his possession, or to have personated such person as aforesaid, with such object or intent as aforesaid unless he proves the contrary.

(**a**) The words "or proclaimed area" were inserted in Regulations 20, 22, 23 and 24, by Article 8 of the No. 2 Regulations.

(**b**) Regulation 24A was added by Article No. 5 of the No. 2 Regulations.

26. Any person who attempts to commit, or procures, aids, or abets the commission of any act prohibited by the foregoing special Regulations, or harbours any person whom he knows, or has reasonable grounds for supposing, to have acted in contravention of such Regulations, shall be deemed to have acted in contravention of the Regulations in like manner as if he had himself committed the act.

27. Any person contravening any of the provisions of the foregoing special Regulations shall be liable to be tried by court-martial and to be sentenced to penal servitude for life or any less punishment:

Provided that no sentence exceeding three months' imprisonment with hard labour shall be imposed in respect of any contravention of Regulations 22, 23, or 24 unless it is proved that the contravention was for the purpose of assisting the enemy (**a**)or in respect of any contravention of Regulation 21 if the offender proves that he acted without any intention to cause disaffection or alarm.

A court-martial having jurisdiction to try offences under these Regulations shall be a general or district court-martial convened by an officer authorised to convene such description of court-martial within the limits of whose command the offender may for the time being be; but nothing in this Regulation shall be construed as authorising a district court-martial to impose a sentence of penal servitude.

Any person tried by court-martial under these Regulations shall, for the purposes of the provisions of the Army Act relating to offences, be treated as if he belonged to the unit in whose charge he may be; but no such person shall be liable to summary punishment by a commanding officer.

PART III.

Supplemental.

28. The powers conferred by these Regulations are in addition to and not in derogation of any powers exerciseable by members of His Majesty's naval and military forces and other persons to take such steps as may be necessary for securing the public safety and the defence of the Realm, and the liability of any person to trial and punishment for any offence or war crime otherwise than in accordance with these Regulations.

29. For the purposes of these Regulations the expression "competent naval or military authority" means any commissioned officer of His Majesty's Naval or Military Forces, not below the rank of commander in the Navy or lieutenant-colonel in the Army, appointed by the Admiralty or Army Council, as the case may be, to perform in any place the duties of such an authority.

Any harbour declared by order of the Admiralty or Army Council to be a defended harbour shall for the purposes of these Regulations be treated as such.

(**a**) The concluding words of this paragraph of Regulation 27 were added by Article 5 of the No. 2 Regulations.

(**a**) Any area which may for the time being be proclaimed by the Admiralty or Army Council to be an area which it is necessary to safeguard in the interests of the training or concentration of any of His Majesty's forces is in these Regulations referred to as "a proclaimed area."

(**b**) The Admiralty or Army Council may authorise the competent naval or military authority to delegate, either unconditionally or subject to such conditions as he thinks fit, all or any of their powers under these regulations to any officer qualified to be appointed a competent naval or military authority.

30. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations in like manner as it applies for the purpose of the interpretation of an Act of Parliament.

Appendix C.

THE JUDICIAL COMMITTEE RULES, 1908, BEING THE GENERAL RULES AS TO APPEALS TO THE JUDICIAL COMMITTEE.

1908. No. $\frac{1288}{\text{L. } 43}$.

At the Court at Buckingham Palace, the 21st day of December 1908.

PRESENT

The King's Most Excellent Majesty

Archbishop of Canterbury.	Lord Chamberlain.
Lord President.	Lord FitzMaurice.

Whereas there was this day read at the Board a representation from the Judicial Committee of the Privy Council in the words following, viz. :—

> "The Lords of the Judicial Committee having taken into consideration the Practice and Procedure in accordance with which the general Appellate Jurisdiction of Your Majesty in Council is now exercised and being of opinion that the Rules regulating the said Practice and Procedure ought to be consolidated and amended Their Lordships do hereby agree humbly to recommend to Your Majesty that with a view to such consolidation and

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(**a**) This definition of a "proclaimed area" is given by Article 8 of the No. 2 Regulations.

(**b**) This additional paragraph was added by Article 7 of the No. 2 Regulations.

> amendment certain Orders of Her late Majesty Queen Victoria in Council regulating the said Practice and Procedure, viz. the Orders in Council dated respectively the 11th day of August 1842(**a**) the 13th day of June 1853(**b**) the 31st day of March 1855(**c**) the 24th day of March 1871(**c**) and the 26th day of June 1873(**d**) and also the Order of Your Majesty in Council dated the 20th day of March 1905 amending the said Practice and Procedure ought to be revoked and that the several Rules hereunto annexed ought to be substituted therefor."

His Majesty having taken the said representation into consideration was pleased by and with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the said Orders in Council in the said representation mentioned be and the same are hereby revoked and that the Rules hereunto annexed be substituted therefor.

A. W. FitzRoy.

Arrangement of Rules.

Rule. Page
1. Interpretation 421

Leave to appeal.

2. Leave to appeal generally 422

Special Leave to appeal.

3. Form of Petition for special leave to appeal 422
4. Three copies of Petition to be lodged together with Affidavit in support 422
5. Time for lodging Petition 422
6. Security for costs and transmission of Record 422
7. General provisions... 422
8. Petitions for special leave to appeal *in formâ pauperis* 422
9. Exemption of pauper Appellant from lodging security and paying Office fees 422
10. Exemption of unsuccessful Petitioner for leave to appeal *in formâ pauperis* from payment of Office fees 423

Record.

11. Record to be transmitted without delay 423
12. Printing of Record 423
13. Number of copies to be transmitted, where Record printed abroad 423
14. One certified copy to be transmitted, where Record to be printed in England 423

(**a**) Printed in Statutory Rules and Orders Revised 1904, Vol. VI., "Judicial Committee," p. 97.

(**b**) *ibid.*, p. 1.

(**c**) *ibid.*, p. 4.

(**d**) *ibid.*, p. 12.

Rule. Page
15. Record printed partly abroad, partly in England ... 423
16. Reasons for judgments to be transmitted 423
17. Exclusion of unnecessary documents from Record 423
18. Documents objected to be indicated 424
19. Registration and numbering of Records 424
20. Inspection of Record by parties... 424
21. Times within which a copy of a written Record shall be bespoken 424
22. Notice of Appearance by Appellant 424
23. Preparation of copy of Record for Printer 424
24. Lodging copy of Record for printing 425
25. Special Case 425
26. Examination of proof of Record and striking off copies 425
27. Number of copies of Record for parties 425
28. How costs of printing Record are to be borne 425

Petition of Appeal.

29. Times within which Petition shall be lodged 426
30. Form of Petition 426
31. Service of Petition 426

Withdrawal of Appeal.

32. Withdrawal of Appeal before Petition of Appeal has been lodged 426
33. Withdrawal of Appeal after Petition of Appeal has been lodged... 426

Non-prosecution of Appeal.

34. Dismissal of Appeal where Appellant takes no step in prosecution thereof 427
35. Dismissal of Appeal for non-prosecution after Appellant's Appearance and before lodgment of Petition of Appeal 427
36. Dismissal of Appeal for non-prosecution after lodgment of Petition of Appeal 427
37. Restoring an Appeal dismissed for non-prosecution 428

Appearance by Respondent.

38. Time within which Respondent may appear 428
39. Notice of Appearance by Respondent 428
40. Form of Appearance where all the Respondents do not appear ... 428
41. Separate Appearances 428
42. Non-appearing Respondent not entitled to receive notices or lodge Case 428
43. Procedure on non-appearance of Respondent 428
44. Respondent defending Appeal *in formâ pauperis* 429

Petitions generally.

45. Mode of addressing Petitions 429
46. Orders on Petitions which need not be drawn up 430
47. Form of Petition 430
48. Caveat 430
49. Service of Petition 430
50. Verifying Petition by Affidavit... 430
51. Petition for Order of Revivor or Substitution 431
52. Petition containing scandalous matter to be refused 431
53. Setting down Petition 431
54. Times within which set-down Petitions shall be heard 431
55. Notice to parties of day fixed for hearing Petition 431
56. Procedure where Petition is consented to or is formal 431
57. Withdrawal of Petition 432
58. Procedure where hearing of Petition unduly delayed 432
59. Only one Counsel heard on a side in Petitions 432

Case.

Rule. Page
60. Lodging of Case 432
61. Printing of Case 432
62. Number of prints to be lodged 432
63. Form of Case 432
64. Separate Cases by two or more Respondents 433
65. Notice of lodgment of Case 433
66. Case Notice 433
67. Setting down Appeal and exchanging Cases 433

Binding Records, &c.

68. Mode of binding Records, &c., for use of Judicial Committee ... 434
69. Time within which bound copies shall be lodged 434

Hearing.

70. Notice to parties of date of commencement of Sittings; entering Appeals for hearing 434
71. Notice to parties of day fixed for hearing Appeal 434
72. Only two Counsel heard on a side in Appeals 434
73. Nautical Assessors 434

Judgment.

74. Notice to parties of day fixed for delivery of Judgment 435

Costs.

75. Taxation of costs 435
76. What costs taxed in England 435
77. Order to tax 435
78. Power of Taxing Officer where taxation delayed through the fault of the party whose costs are to be taxed 435
79. Appeal from decision of Taxing Officer 435
80. Amount of taxed costs to be inserted in His Majesty's Order in Council 435
81. Taxation on the pauper scale 436
82. Security to be dealt with as His Majesty's Order in Council determining Appeal directs 436

Miscellaneous.

83. Power of Judicial Committee to excuse from compliance with Rules 436
84. Amendment of documents 436
85. Affidavits may be sworn before the Registrar of the Privy Council 436
86. Change of Agent 436
87. Scope of application of Rules 437
88. Mode of citation and date of operation 437
Schedule A. Rules as to printing 437
Schedule B. Countries and Places referred to in Rules 21, 29 and 34 437
Schedule C.—I. Fees allowed to Agents 438
II. Council Office Fees... 438

The Judicial Committee Rules, 1908.

1.—(1) In these Rules, unless the context otherwise requires:— Interpretation.

"Appeal" means an Appeal to His Majesty in Council;

"Judgment" includes decree, order, sentence, or decision of any Court, Judge, or Judicial Officer;

"Record" means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal;

"Registrar" means the Registrar or other proper officer having the custody of the records in the Court appealed from;

"Abroad" means the country or place where the Court appealed from is situate;

"Agent" means a person qualified by virtue of Her late Majesty's Order in Council of the 6th March 1896 to conduct proceedings before His Majesty in Council on behalf of another;

"Party" and all words descriptive of parties to proceedings before His Majesty in Council (such as "Petitioner," "Appellant," "Respondent") mean, in respect of all acts proper to be done by an Agent, the Agent of the party in question where such party is represented by an Agent;

"Month" means calendar month;

Words in the singular shall include the plural, and words in the plural shall include the singular.

(2) Where by these Rules any step is required to be taken in England in connection with proceedings before His Majesty in Council, whether in the way of lodging a Petition or other document, entering an Appearance, lodging security, or otherwise, such step shall be taken in the Registry of the Privy Council, Downing Street, London.

Leave to appeal.

2. All Appeals shall be brought either in pursuance of leave obtained from the Court appealed from, or, in the absence of such leave, in pursuance of special leave to appeal granted by His Majesty in Council upon a Petition in that behalf presented by the intending Appellant. Leave to appeal generally.

Special Leave to appeal.

Form of Petition for special leave to appeal.

3. A Petition for special leave to appeal to His Majesty in Council shall state succinctly and fairly all such facts as it may be necessary to state in order to enable the Judicial Committee to advise His Majesty whether such leave ought to be granted. The Petition shall not travel into extraneous matter, and shall deal with the merits of the case only so far as is necessary for the purpose of explaining and supporting the particular grounds upon which special leave to appeal is sought.

Three copies of Petition to be lodged together with Affidavit in support.

4. The Petitioner shall lodge at least three copies of his Petition for special leave to appeal together with the Affidavit in support thereof prescribed by Rule 50 hereinafter contained.

Time for lodging Petition.

5. A Petition for special leave to appeal may be lodged at any time after the date of the judgment sought to be appealed from, but the Petitioner shall, in every case, lodge his Petition with the least possible delay.

Security for costs and transmission of Record.

6. Where the Judicial Committee agree to advise His Majesty to grant special leave to appeal, they shall, in their Report, specify the amount of the security for costs (if any) to be lodged by the Petitioner, and the period (if any) within which such security is to be lodged and shall, unless the circumstances of a particular case render such a course unnecessary, provide for the transmission of the Record by the Registrar of the Court appealed from to the Registrar of the Privy Council and for such further matters as the justice of the case may require.

General provisions.

7. Save as by the four last preceding Rules otherwise provided, the provisions of Rules 47 to 50 and 52 to 59 (all inclusive) hereinafter contained shall apply *mutatis mutandis* to Petitions for special leave to appeal.

Petitions for special leave to appeal *in formâ pauperis.*

8. Rules 3 to 7 (both inclusive) shall apply *mutatis mutandis* to Petitions for leave to appeal *in formâ pauperis*, but in addition to the Affidavit referred to in Rule 4 every such Petition shall be accompanied by an Affidavit from the Petitioner stating that he is not worth £25 in the world excepting his wearing apparel and his interest in the subject-matter of the intended Appeal, and that he is unable to provide sureties, and also by a certificate of Counsel that the Petitioner has reasonable ground of appeal.

Exemption of pauper Appellant from lodging security and paying Office fees.

9. Where a Petitioner obtains leave to appeal *in formâ pauperis*, he shall not be required to lodge security for the costs of the Respondent or to pay any Council Office fees.

10. A Petitioner whose Petition for leave to appeal *in formâ pauperis* is dismissed may, notwithstanding such dismissal, be excused from paying the Council Office fees usually chargeable to a Petitioner in respect of a Petition for leave to appeal, if His Majesty in Council, on the advice of the Judicial Committee, shall think fit so to order.

Exemption of unsuccessful Petitioner for leave to appeal *in formâ pauperis* from payment of Office fees.

Record.

11. As soon as an Appeal has been admitted, whether by an Order of the Court appealed from or by an Order of His Majesty in Council granting special leave to appeal, the Appellant shall without delay take all necessary steps to have the Record transmitted to the Registrar of the Privy Council.

Record to be transmitted without delay

12. The Record shall be printed in accordance with Rules I. to IV. of Schedule A. hereto. It may be so printed either abroad or in England.

Printing of Record.

13. Where the Record is printed abroad, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal, if any, of the Court appealed from.

Number of copies to be transmitted, where Record printed abroad.

14. Where the Record is to be printed in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

One certified copy to be transmitted, where Record to be printed in England.

15. Where part of the Record is printed abroad and part is to be printed in England, Rules 13 and 14 shall, as far as practicable, apply to such parts as are printed abroad and such as are to be printed in England respectively.

Record printed partly abroad, partly in England

16. The reasons given by the judge, or any of the judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises, shall by such judge or judges be communicated in writing to the Registrar and shall by him be transmitted to the Registrar of the Privy Council at the same time when the Record is transmitted.

Reasons for judgments to be transmitted.

17. The Registrar, as well as the parties and their Agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the Appeal, and, generally, to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be printed

Exclusion of unnecessary documents from Record.

or copied shall be enumerated in a list to be placed after the index or at the end of the Record.

Documents objected to to be indicated.

18. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the Record, as finally printed (whether abroad or in England), shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate, in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

Registration and numbering of Records.

19. As soon as the Record is received in the Registry of the Privy Council, it shall be registered in the said Registry, with the date of arrival, the names of the parties, the date of the judgment appealed from, and the description whether "printed" or "written." A Record, or any part of a Record, not printed in accordance with Rules I. to IV. of Schedule A hereto, shall be treated as written. Appeals shall be numbered consecutively in each year in the order in which the Records are received in the said Registry.

Inspection of Record by parties.

20. The parties shall be entitled to inspect the Record and to extract all necessary particulars therefrom for the purpose of entering an Appearance.

Times within which a copy of a written Record shall be bespoken.

21. Where the Record arrives in England either wholly written, or partly written and partly printed, the Appellant shall, within a period of four months from the date of such arrival in the case of Appeals from Courts situate in any of the countries or places named in Schedule B hereto, and within a period of two months from the same date in the case of Appeals from any other Courts, enter an Appearance and bespeak a type-written copy of the Record, or of such parts thereof as it may be necessary to have copied, and shall engage to pay the cost of preparing such copy at the following rates per folio typed (exclusive of tabular matter)—1½*d.* per folio of English matter, 2*d.* per folio of Indian matter, and 3*d.* per folio of foreign matter.

Notice of Appearance by Appellant.

22. The Appellant shall forthwith, after entering his Appearance, give notice thereof to the Respondent, if the latter has entered an Appearance.

Preparation of copy of Record for Printer

23. As soon as the Appellant has obtained the type-written copy of the Record bespoken by him, he shall proceed, with due diligence, to arrange the documents in suitable order, to check the index, to insert the marginal notes and check the same with the index, and, generally, to do whatever may be required for the purpose of preparing the copy for the Printer, and shall, if the Respondent has entered an Appearance, submit the copy, as prepared for the Printer, to the Respondent for

his approval. In the event of the parties being unable to agree as to any matter arising under this Rule, such matter shall be referred to the Registrar of the Privy Council, whose decision thereon shall be final.

Lodging copy of Record for printing.

24. As soon as the type-written copy of the Record is ready for the Printer, the Appellant shall lodge it, with a request to the Registrar of the Privy Council to cause it to be printed by His Majesty's Printer or by any other printer on the same terms, and shall engage to pay at the price specified in Rule V. of Schedule A. hereto the cost of printing 50 copies thereof, or such other number as in the opinion of the said Registrar the circumstances of the case require.

Special Case.

25. Whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the parties, with the sanction of the Registrar of the Privy Council, may submit such question of law to the Judicial Committee in the form of a Special Case, and print such parts only of the Record as may be necessary for the discussion of the same Provided that nothing herein contained shall in any way prevent the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit, and that, in order to promote such arrangements and simplification of the matter in dispute, the said Registrar may call the parties before him, and having heard them, and examined the Record, may report to the Judicial Committee as to the nature of the proceedings.

Examination of proof of Record and striking off copies.

26. The Registrar of the Privy Council shall, as soon as the proof prints of the Record are ready, give notice to all parties who have entered an Appearance requesting them to attend at the Registry of the Privy Council at a time to be named in such notice in order to examine the said proof prints and compare the same with the certified Record, and shall, for that purpose, furnish each of the said parties with one proof print. After the examination has been completed, the Appellant shall, without delay, lodge his proof print, duly corrected and (so far as necessary) approved by the Respondent, and the Registrar of the Privy Council shall thereupon cause the copies of the Record to be struck off from such proof print.

Number of copies of Record for parties.

27. Each party who has entered an Appearance shall be entitled to receive, for his own use, six copies of the Record.

How costs of printing Record are to be borne.

28. Subject to any special direction from the Judicial Committee to the contrary, the costs of and incidental to the printing of the Record shall form part of the costs of the Appeal, but the costs of and incidental to the printing of any document objected to by one party, in accordance with Rule 18, shall, if such document is found on the taxation of costs to be

unnecessary or irrelevant, be disallowed to, or borne by, the party insisting on including the same in the Record.

Petition of Appeal.

Times within which Petition shall be lodged.

29. The Appellant shall lodge his Petition of Appeal—

(*a*) Where the Record arrives in England printed, within a period of four months from the date of such arrival in the case of Appeals from Courts situate in any of the countries or places named in Schedule B. hereto, and within a period of two months from the same date in the case of Appeals from any other Courts;

(*b*) Where the Record arrives in England written, within a period of one month from the date of the completion of the printing thereof:

Provided that nothing in this Rule contained shall preclude an Appellant from lodging his Petition of Appeal prior to the arrival of the Record, if there are special reasons why it should be desirable for him to do so.

Form of Petition.

30. The Petition of Appeal shall be lodged in the form prescribed by Rule 47 hereinafter contained. It shall recite succinctly and, as far as possible, in chronological order, the principal steps in the proceedings leading up to the Appeal from the commencement thereof down to the admission of the Appeal, but shall not contain argumentative matter or travel into the merits of the case.

Service of Petition.

31. The Appellant shall, after lodging his Petition of Appeal, serve a copy thereof without delay on the Respondent, as soon as the latter has entered an Appearance, and shall endorse such copy with the date of the lodgment.

Withdrawal of Appeal.

Withdrawal of Appeal before Petition of Appeal has been lodged.

32. Where an Appellant, who has not lodged his Petition of Appeal, desires to withdraw his Appeal, he shall give notice in writing to that effect to the Registrar of the Privy Council, and the said Registrar shall, with all convenient speed after the receipt of such notice, by letter notify the Registrar of the Court appealed from that the Appeal has been withdrawn, and the said Appeal shall thereupon stand dismissed as from the date of the said letter without further Order.

Withdrawal of Appeal after Petition of Appeal has been lodged.

33. Where an Appellant, who has lodged his Petition of Appeal, desires to withdraw his Appeal, he shall present a Petition to that effect to His Majesty in Council. On the hearing of any such Petition a Respondent who has entered an Appearance in the Appeal shall, subject to any agreement between him and the Appellant to the contrary, be entitled to apply to the Judicial Committee for his costs, but where the Respondent has not entered an Appearance, or, having entered

an Appearance, consents in writing to the prayer of the Petition, the Petition may, if the Judicial Committee think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of Rule 56 hereinafter contained.

Non-Prosecution of Appeal.

Dismissal of Appeal where Appellant takes no step in prosecution thereof.

34. Where an Appellant takes no step in prosecution of his Appeal within a period of four months from the date of the arrival of the Record in England in the case of an Appeal from a Court situate in any of the countries or places named in Schedule B. hereto, or within a period of two months from the same date in the case of an Appeal from any other Court, the Registrar of the Privy Council shall, with all convenient speed, by letter notify the Registrar of the Court appealed from that the Appeal has not been prosecuted, and the Appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further Order.

Dismissal of Appeal for non-prosecution after Appellant's Appearance and before lodgment of Petition of Appeal.

35. Where an Appellant who has entered an Appearance—

(*a*) fails to bespeak a copy of a written Record, or of part of a written Record, in accordance with, and within the periods prescribed by, Rule 21; or

(*b*) having bespoken such copy within the periods prescribed by Rule 21, fails thereafter to proceed with due diligence to take all such further steps as may be necessary for the purpose of completing the printing of the said Record; or

(*c*) fails to lodge his Petition of Appeal within the periods respectively prescribed by Rule 29;

the Registrar of the Privy Council shall call upon the Appellant to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar shall, with all convenient speed, by letter notify the Registrar of the Court appealed from that the Appeal has not been effectually prosecuted, and the Appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further Order, and a copy of the said letter shall be sent by the Registrar of the Privy Council to all the parties who have entered an Appearance in the Appeal.

Dismissal of Appeal for non-prosecution after lodgment of Petition of Appeal.

36. Where an Appellant, who has lodged his Petition of Appeal, fails thereafter to prosecute his Appeal with due diligence, the Registrar of the Privy Council shall call upon him to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar shall issue a Summons to the Appellant calling upon him to show cause before the Judicial Committee at a time to be named in the said Summons why the Appeal should not be dismissed for non-prosecution

Provided that no such Summons shall be issued by the said Registrar before the expiration of one year from the date of the arrival of the Record in England. If the Respondent has entered an Appearance in the Appeal, the Registrar of the Privy Council shall send him a copy of the said Summons, and the Respondent shall be entitled to be heard before the Judicial Committee in the matter of the said Summons at the time named and to ask for his costs and such other relief as he may be advised. The Judicial Committee may, after considering the matter of the said Summons, recommend to His Majesty the dismissal of the Appeal for non-prosecution, or give such other directions therein as the justice of the case may require.

Restoring an Appeal dismissed for non-prosecution.

37. An Appellant whose Appeal has been dismissed for non-prosecution may present a Petition to His Majesty in Council praying that his Appeal may be restored.

Appearance by Respondent.

Time within which Respondent may appear.

38. The Respondent may enter an Appearance at any time between the arrival of the Record and the hearing of the Appeal, but if he unduly delays entering an Appearance he shall bear, or be disallowed, the costs occasioned by such delay, unless the Judicial Committee otherwise direct.

Notice of Appearance by Respondent.

39. The Respondent shall forthwith after entering an Appearance give notice thereof to the Appellant, if the latter has entered an Appearance.

Form of Appearance where all the Respondents do not appear.

40. Where there are two or more Respondents, and only one, or some, of them enter an Appearance, the Appearance Form shall set out the names of the appearing Respondents.

Separate Appearances.

41. Two or more Respondents may, at their own risk as to costs, enter separate Appearances in the same Appeal.

Non-appearing Respondent not entitled to receive notices or lodge Case.

42. A Respondent who has not entered an Appearance shall not be entitled to receive any notices relating to the Appeal from the Registrar of the Privy Council, nor be allowed to lodge a Case in the Appeal.

Procedure on non-appearance of Respondent.

43. Where a Respondent fails to enter an Appearance in an Appeal, the following Rules shall, subject to any special Order of the Judicial Committee to the contrary, apply:—

(*a*) If the non-appearing Respondent was a Respondent at the time when the Appeal was admitted, whether by the Order of the Court appealed from or by an Order of His Majesty in Council giving the Appellant special leave to appeal, and it appears from the terms of the said Order, or Order in Council, or otherwise from the Record, or from a Certificate of the Registrar of the Court appealed from, that the said non-appearing Respondent has received notice, or was otherwise aware, of the Order of the Court appealed from admitting the Appeal, or of the Order of His Majesty in Council giving the Appellant special leave to appeal, and has also received notice, or was otherwise aware, of the dispatch of the Record to England, the Appeal may be set down *ex parte* as against the said non-appearing Respondent at any time after the expiration of three months from the date of the lodging of the Petition of Appeal;

(*b*) if the non-appearing Respondent was made a Respondent by an Order of His Majesty in Council subsequently to the admission of the Appeal, and it appears from the Record, or from a Supplementary Record, or from a Certificate of the Registrar of the Court appealed from, that the said non-appearing Respondent has received notice, or was otherwise aware, of any intended application to bring him on the Record as a Respondent, the Appeal may be set down *ex parte* as against the said non-appearing Respondent at any time after the expiration of three months from the date on which he shall have been served with a copy of His Majesty's Order in Council bringing him on the Record as a Respondent.

Provided that where it is shown to the satisfaction of the Judicial Committee, by Affidavit or otherwise, either that an Appellant has made every reasonable endeavour to serve a non-appearing Respondent with the notices mentioned in clauses (*a*) and (*b*) respectively and has failed to effect such service, or that it is not the intention of the non-appearing Respondent to enter an Appearance to the Appeal, the Appeal may, without further Order in that behalf and at the risk of the Appellant, be proceeded with *ex parte* as against the said non-appearing Respondent.

Respondent defending Appeal *in formâ pauperis.*

44. A Respondent who desires to defend an Appeal *in formâ pauperis* may present a Petition to that effect to His Majesty in Council, which Petition shall be accompanied by an Affidavit from the Petitioner stating that he is not worth £25 in the world excepting his wearing apparel and his interest in the subject-matter of the Appeal.

Petitions generally.

Mode of addressing Petitions.

45. All Petitions for orders or directions as to matters of practice or procedure arising after the lodging of the Petition of Appeal and not involving any change in the parties to an Appeal shall be addressed to the Judicial Committee. All other Petitions shall be addressed to His Majesty in Council, but a Petition which is properly addressed to His Majesty in Council

may include, as incidental to the relief thereby sought, a prayer for orders or directions as to matters of practice or procedure.

Orders on Petitions which need not be drawn up.

46. Where an Order made by the Judicial Committee does not embody any special terms or include any special directions, it shall not be necessary to draw up such Order, unless the Committee otherwise direct, but a Note thereof shall be made by the Registrar of the Privy Council.

Form of Petition.

47. All Petitions shall consist of paragraphs numbered consecutively and shall be written, type-written, or lithographed, on brief paper with quarter margin and endorsed with the name of the Court appealed from, the short title and Privy Council number of the Appeal to which the Petition relates or the short title of the Petition (as the case may be), and the name and address of the London Agent (if any) of the Petitioner, but need not be signed. Petitions for special leave to appeal may be printed and, shall, in that case, be printed in the form known as Demy Quarto or other convenient form.

Caveat.

48. Where a Petition is expected to be lodged, or has been lodged, which does not relate to any pending Appeal of which the Record has been registered in the Registry of the Privy Council, any person claiming a right to appear before the Judicial Committee on the hearing of such Petition may lodge a Caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar of the Privy Council notice of the lodging of the Petition, if at the time of the lodging of the Caveat such Petition has not yet been lodged, and, if and when the Petition has been lodged, to require the Petitioner to serve him with a copy of the Petition, and to furnish him, at his own expense, with copies of any papers lodged by the Petitioner in support of his Petition. The Caveator shall forthwith after lodging his Caveat give notice thereof to the Petitioner, if the Petition has been lodged.

Service of Petition.

49. Where a Petition is lodged in the matter of any pending Appeal of which the Record has been registered in the Registry of the Privy Council, the Petitioner shall serve any party who has entered an Appearance in the Appeal with a copy of such Petition, and the party so served shall thereupon be entitled to require the Petitioner to furnish him, at his own expense, with copies of any papers lodged by the Petitioner in support of his Petition.

Verifying Petition by Affidavit.

50. A Petition not relating to any Appeal of which the Record has been registered in the Registry of the Privy Council, and any other Petition containing allegations of fact which cannot be verified by reference to the registered Record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by Affidavit. Where the Petitioner prosecutes his Petition in person, the said Affidavit shall be sworn by the Petitioner himself and shall state that, to the

best of the deponent's knowledge, information, and belief, the allegations contained in the Petition are true. Where the Petitioner is represented by an Agent, the said Affidavit shall be sworn by such Agent and shall, besides stating that, to the best of the deponent's knowledge, information, and belief, the allegations contained in the Petition are true, show how the deponent obtained his instructions and the information enabling him to present the Petition.

Petition for Order of Revivor or Substitution.

51. A Petition for an Order of Revivor or Substitution shall be accompanied by a certificate or duly authenticated statement from the Court appealed from showing who, in the opinion of the said Court, is the proper person to be substituted, or entered, on the Record in place of, or in addition to, a party who has died or undergone a change of status.

Petition containing scandalous matter to be refused.

52. The Registrar of the Privy Council may refuse to receive a Petition on the ground that it contains scandalous matter, but the Petitioner may appeal, by way of motion, from such refusal to the Judicial Committee.

Setting down Petition.

53. As soon as a Petition is ready for hearing, the Petitioner shall forthwith notify the Registrar of the Privy Council to that effect, and the Petition shall thereupon be deemed to be set down.

Times within which set-down Petitions shall be heard.

54. On each day appointed by the Judicial Committee for the hearing of Petitions the Registrar of the Privy Council shall, unless the Committee otherwise direct, put in the paper for hearing all such Petitions as have been set down. Provided that, in the absence of special circumstances of urgency to be shown to the satisfaction of the said Registrar, no Petition, if unopposed, shall be so put in the paper before the expiration of three clear days from the lodging thereof, or, if opposed, before the expiration of ten clear days from the lodging thereof unless, in the latter case, the Opponent consents to the Petition being put in the paper on an earlier day not being less than three clear days from the lodging thereof.

Notice to parties of day fixed for hearing Petition.

55. Subject to the provisions of the next following Rule, the Registrar of the Privy Council shall, as soon as the Judicial Committee have appointed a day for the hearing of a Petition, notify all parties concerned by Summons of the day so appointed.

Procedure where Petition is consented to or is formal.

56. Where the prayer of a Petition is consented to in writing by the opposite party, or where a Petition is of a formal and non-contentious character, the Judicial Committee may, if they think fit, make their Report to His Majesty on such Petition, or make their Order thereon, as the case may be, without requiring the attendance of the parties in the Council Chamber, and the Registrar of the Privy Council shall not in any such case issue the Summons provided for by the last-

preceding Rule, but shall with all convenient speed after the Committee have made their Report or Order notify the parties that the Report or Order has been made and of the date and nature of such Report or Order.

Withdrawal of Petition.

57. A Petitioner who desires to withdraw his Petition shall give notice in writing to that effect to the Registrar of the Privy Council. Where the Petition is opposed, the Opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Judicial Committee for his costs, but where the Petition is unopposed, or where, in the case of an opposed Petition, the parties have come to an agreement as to the cost of the Petition, the Petition may, if the Judicial Committee think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of the last-preceding Rule.

Procedure where hearing of Petition unduly delayed.

58. Where a Petitioner unduly delays bringing a Petition to a hearing, the Registrar of the Privy Council shall call upon him to explain the delay, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar may treat the said Petition as set down and may, after duly notifying all parties interested by Summons of his intention to do so, put the Petition in the paper for hearing on the next following day appointed by the Judicial Committee for the hearing of Petitions for such directions as the Committee may think fit to give thereon.

Only one Counsel heard on a side in Petitions.

59. At the hearing of a Petition not more than one Counsel shall be admitted to be heard on a side.

Case.

Lodging of Case.

60. No party to an Appeal shall be entitled to be heard by the Judicial Committee unless he has previously lodged his Case in the Appeal. Provided that where a Respondent is merely a stakeholder or trustee with no other interest in the Appeal, he may give the Registrar of the Privy Council notice in writing of his intention not to lodge any Case, while reserving his right to address the Judicial Committee on the question of costs.

Printing of Case.

61. The Case may be printed either abroad or in England, and shall, in either event, be printed in accordance with Rules I. to IV. of Schedule A. hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the Counsel who attends at the hearing of the Appeal or by the party himself if he conducts his Appeal in person.

Number of prints to be lodged.

62. Each party shall lodge 40 prints of his Case.

Form of Case.

63. The Case shall consists of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances

out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the Record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the Case of long extracts from the Record. The taxing officer, in taxing the costs of the Appeal, shall, either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

Separate Cases by two or more Respondents.

64. Two or more Respondents may, at their own risk as to costs, lodge separate Cases in the same Appeal.

Notice of lodgment of Case.

65. Each party shall, after lodging his Case, forthwith give notice thereof to the other party.

Case Notice.

66. Subject as hereinafter provided, the party who lodges his Case first may, at any time after the expiration of three clear days from the day on which he has given the other party the notice prescribed by the last-preceding Rule, serve such other party, if the latter has not in the meantime lodged his Case, with a "Case Notice," requiring him to lodge his Case within one month from the date of the service of the said Case Notice and informing him that, in default of his so doing, the Appeal will be set down for hearing *ex parte* as against him, and if the other party fails to comply with the said Case Notice, the party who has lodged his Case may, at any time after the expiration of the time limited by the said Case Notice for the lodging of the Case, lodge an Affidavit of Service (which shall set out the terms of the said Case Notice), and the Appeal shall thereupon, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the party in default Provided that no Case Notice shall be served until after the completion of the printing of the Record and that it shall be open to the Taxing Officer, in adjusting the costs of the Appeal, to inquire, generally, into the circumstances in which the said Case Notice was served and, if satisfied that there was no reasonable necessity for the said Case Notice, to disallow the costs thereof to the party serving the same Provided also that nothing in this Rule contained shall preclude the party in default from lodging his Case, at his own risk as regards costs and otherwise, at any time up to the date of hearing.

Setting down Appeal and exchanging Cases.

67. Subject to the provisions of Rule 43 and of the last-preceding Rule, an Appeal shall be set down *ipso facto* as soon as the Cases on both sides are lodged, and the parties shall thereupon exchange Cases by handing one another, either at the Offices of one of the Agents or in the Registry of the Privy Council, ten copies of their respective Cases.

Binding Records, &c.

Mode of binding Records, &c., for use of Judicial Committee.

68. As soon as an Appeal is set down, the Appellant shall attend at the Registry of the Privy Council and obtain ten copies of the Record and Cases to be bound for the use of the Judicial Committee at the hearing. The copies shall be bound in cloth or in half leather with paper sides, and six leaves of blank paper shall be inserted before the Appellant's Case. The front cover shall bear a printed label stating the title and Privy Council number of the Appeal, the contents of the volume, and the names and addresses of the London Agents. The several documents, indicated by incuts, shall be arranged in the following order: (1) Appellant's Case; (2) Respondent's Case; (3) Record; (4) Supplemental Record (if any); and the short title and Privy Council number of the Appeal shall also be shown on the back.

Time within which bound copies shall be lodged.

69. The Appellant shall lodge the bound copies not less than four clear days before the commencement of the Sittings during which the Appeal is to be heard.

Hearing.

Notice to parties of date of commencement of Sittings; entering Appeals for hearing.

70. As soon as the Judicial Committee have appointed a day for the commencement of the Sittings for the hearing of Appeals, the Registrar of the Privy Council shall, as far as in him lies, make known the day so appointed to the Agents of all parties concerned, and shall name a day on or before which Appeals must be set down if they are to be entered in the List of Business for such Sittings. All Appeals set down on or before the day named shall, subject to any directions from the Committee or to any agreement between the parties to the contrary, be entered in such List of Business and shall, subject to any direction from the Committee to the contrary, be heard in the order in which they are set down.

Notice to parties of day fixed for hearing Appeal.

71. The Registrar of the Privy Council shall, subject to the provisions of Rule 42, notify the parties to each Appeal by Summons, at the earliest possible date, of the day appointed by the Judicial Committee for the hearing of the Appeal, and the parties shall be in readiness to be heard on the day so appointed.

Only two Counsel heard on a side in Appeals.

72. At the hearing of an Appeal not more than two Counsel shall be admitted to be heard on a side.

Nautical Assessors.

73. In Admiralty Appeals the Judicial Committee may, if they think fit, require the attendance of two Nautical Assessors.

Judgment.

74. Where the Judicial Committee, after hearing an Appeal, decide to reserve their Judgment thereon, the Registrar of the Privy Council shall in due course notify the parties who attended the hearing of the Appeal by Summons of the day appointed by the Committee for the delivery of the Judgment.

Notice to parties of day fixed for delivery of Judgment.

Costs.

75. All Bills of Costs under the Orders of the Judicial Committee on Appeals, Petitions, and other matters, shall be referred to the Registrar of the Privy Council, or such other person as the Judicial Committee may appoint, for taxation, and all such taxations shall be regulated by the Schedule of Fees set forth in Schedule C. hereto.

Taxation of costs.

76. The taxation of costs in England shall be limited to costs incurred in England.

What costs taxed in England.

77. The Registrar of the Privy Council shall, with all convenient speed after the Judicial Committee have given their decision as to the costs of an Appeal, Petition, or other matter, issue to the party to whom costs have been awarded an Order to tax and a Notice specifying the day and hour appointed by him for taxation. The party receiving such Order to tax and Notice shall, not less than 48 hours before the time appointed for taxation, lodge his Bill of Costs (together with all necessary vouchers for disbursements), and serve the opposite party with a copy of his Bill of Costs and of the Order to tax and Notice.

Order to tax.

78. The Taxing Officer may, if he think fit, disallow to any party who fails to lodge his Bill of Costs (together with all necessary vouchers for disbursements) within the time prescribed by the last-preceding Rule, or who in any way delays or impedes a taxation, the charges to which such party would otherwise be entitled for drawing his Bill of Costs and attending the taxation.

Power of Taxing Officer where taxation delayed through the fault of the party whose costs are to be taxed.

79. Any party aggrieved by a taxation may appeal from the decision of the Taxing Officer to the Judicial Committee. The Appeal shall be heard by way of motion, and the party appealing shall give three clear days' Notice of Motion to the opposite party, and shall also leave a copy of such Notice in the Registry of the Privy Council.

Appeal from decision of Taxing Officer.

80. The amount allowed by the Taxing Officer on the taxation shall, subject to any appeal from his taxation to the Judicial Committee and subject to any direction from the Committee to the contrary, be inserted in His Majesty's Order in Council determining the Appeal or Petition.

Amount of taxed costs to be inserted in His Majesty's Order in Council

Taxation on the pauper scale.

81. Where the Judicial Committee directs costs to be taxed on the pauper scale, the Taxing Officer shall not allow any fees of Counsel, and shall only award to the Agents out-of-pocket expenses and a reasonable allowance to cover office expenses. such allowance to be taken at about three-eighths of the usual professional charges in ordinary Appeals.

Security to be dealt with as His Majesty's Order in Council determining Appeal directs.

82. Where the Appellant has lodged security for the Respondent's costs of an Appeal in the Registry of the Privy Council, the Registrar of the Privy Council shall deal with such security in accordance with the directions contained in His Majesty's Order in Council determining the Appeal.

Miscellaneous.

Power of Judicial Committee to excuse from compliance with Rules.

83. The Judicial Committee may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as they shall consider just and expedient. Applications to be excused from compliance with the requirements of any of these Rules shall be addressed in the first instance to the Registrar of the Privy Council, who shall take the instructions of the Committee thereon and communicate the same to the parties. If, in the opinion of the said Registrar, it is desirable that the application should be dealt with by the Committee in open Court, he may, and if he receives a written request in that behalf from any of the parties, he shall, put the application in the paper for hearing before the Committee at such time as the Committee may appoint, and shall give all parties interested Notice of the time so appointed.

Amendment of documents.

84. Any document lodged in connection with an Appeal, Petition, or other matter pending before His Majesty in Council or the Judicial Committee, may be amended by leave of the Registrar of the Privy Council, but if the said Registrar is of opinion that an application for leave to amend should be dealt with by the Committee in open Court, he may, and if he receives a written request in that behalf from any of the parties, he shall, put such application in the paper for hearing before the Committee at such time as the Committee may appoint, and shall give all parties interested Notice of the time so appointed.

Affidavits may be sworn before the Registrar of the Privy Council.

85. Affidavits relating to any Appeal, Petition, or other matter pending before His Majesty in Council or the Judicial Committee may be sworn before the Registrar of the Privy Council.

Change of Agent.

86. Where a party to an Appeal, Petition, or other matter pending before His Majesty in Council changes his Agent, such party, or the new Agent, shall forthwith give the Registrar of the Privy Council notice in writing of the change.

87. Subject to the provisions of any Statute or of any Statutory Rule or Order to the contrary, these Rules shall apply to all matters falling within the Appellate Jurisdiction of His Majesty in Council. Scope of application of Rules.

88. These Rules may be cited as the Judicial Committee Rules, 1908, and they shall come into operation on the 1st day of January 1909. Mode of citation and date of operation.

Schedule A.

Rules as to Printing.

I. All Records and other proceedings in Appeals or other matters pending before His Majesty in Council or the Judicial Committee which are required by the above Rules to be printed shall henceforth be printed in the form known as Demy Quarto (*i.e.*, 54 ems in length and 42 in width).

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

III. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter, and notes.

IV. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

V. The price in England for the printing by His Majesty's Printer of 50 copies in the form prescribed by these Rules shall be 38*s.* per sheet (eight pages) of pica with marginal notes, not including corrections, tabular matter, and other extras.

Schedule B.

Countries and Places referred to in Rules 21, 29, *and* 34.

Australia (and the constituent States thereof).
Basutoland.
British East Africa.
British Honduras.
British North Borneo.
Brunei.
Ceylon.
China.
Eastern African Protectorates.
Falkland Islands.
Federated Malay States.
Fiji.
Hong Kong.
India.
Mauritius.
New Zealand.
Persia.
Seychelles.
Somaliland Protectorate.
Straits Settlements.
Zanzibar.

Schedule C.

I.

Fees allowed to Agents conducting Appeals or other matters before the Judicial Committee of the Privy Council.

	£	s.	d.
Retaining Fee	0	13	4
Perusing written Record, at the rate of, for every 25 folios...	0	6	8
Perusing printed Record, at the rate of, for every printed sheet of 8 pages	1	1	0
Attendances at the Council Office, or elsewhere, on ordinary business, such as to enter an Appearance, to make a search, to lodge a Petition or Affidavit, or to retain Counsel	0	10	0
Attending at the Council Office to examine proof print of Record with the certified Record ... ... *per diem*	3	3	0
Attending at the Council Chamber on Summons for the hearing of a Petition	1	6	8
Attending at the Council Chamber all day on an Appeal not called on	2	6	8
Attending the Hearing of an Appeal ... ... *per diem*	3	6	8
Attending a Judgment	1	6	8
Correcting English proofs, at the rate of, for every printed sheet of 8 pages	0	10	6
Correcting Foreign or Indian proofs, at the rate of, for every printed sheet of 8 pages	1	1	0
Instructions for Petition	0	10	0
Drawing Petition, Case, or Affidavit ... ... *per folio*	0	2	0
Copying Petition, Case, or Affidavit ... ... *per folio*	0	0	6
Instructions for Case...	1	0	0
Instructions to Counsel to argue an Appeal	1	0	0
Instructions to Counsel to argue a Petition	0	10	0
Attending Consultation	1	0	0
Sessions Fee for each year or part of a year from the date of Appearance	3	3	0
Drawing Bill of Costs... ... . *per folio*	0	1	0
Copying Bill of Costs... ... ... *per folio*	0	0	6
Attending Taxation of Costs of an Appeal	2	2	0
Attending Taxation of Costs of a Petition	1	1	0

II.

Council Office Fees.

Entering Appearance...	0	10	0
Lodging Petition of Appeal...	2	0	0
Lodging any other Petition	1	0	0
Lodging Case	1	0	0
Setting down Appeal (chargeable to Appellant only)	2	0	0
Setting down Petition (chargeable to Petitioner only)... ...	1	0	0
Summons	0	10	0

	£	s.	d.
Committee Report	1	10	0
Original Order of His Majesty in Council determining an Appeal	4	0	0
Any other Original Order of His Majesty in Council	2	0	0
Plain Copy of an Order of His Majesty in Council	0	5	0
Original Order of the Judicial Committee	1	10	0
Plain copy of Committee Order	0	5	0
Lodging Affidavit	0	10	0
Certificate delivered to Parties	0	10	0
Committee References	2	0	0
Lodging Caveat	1	0	0
Subpœna to Witnesses	0	10	0
Taxing Fee in Appeals	3	0	0
Taxing Fee in Petitions	2	0	0

Appendix D.

SECTION 1 OF THE PATENTS, DESIGNS AND TRADE MARKS (TEMPORARY RULES) ACT, 1914 (4 & 5 GEO. 4. C. 27), REPRINTED AS AMENDED BY THE AMENDMENT ACT (4 & 5 GEO. 4, C. 73). (a)

Extension of power to make rules. 7 Edw. 7. c. 29. 5 Edw. 7. c. 15.

1.—(1) The power of the Board of Trade under section eighty-six of the Patents and Designs Act, 1907, and section sixty of the Trade Marks Act, 1905, to make rules and to do such things as they think expedient for the purposes therein mentioned shall include power to make rules and to do such things as they think expedient for avoiding or suspending in whole or in part any patent or licence the person entitled to the benefit of which is the subject of any State at war with His Majesty; for avoiding or suspending the registration, and all or any rights conferred by the registration, of any design or trade mark the proprietor whereof is a subject as aforesaid; for avoiding or suspending any application made by any such person under either of the said Acts; for enabling the Board to grant, in favour of persons other than such persons as aforesaid, on such terms and conditions, and either for the whole term of the patent or registration or for such less period, as the Board may think fit, licences to make, use, exercise, or vend, patented inventions and registered designs so liable to avoidance or suspension as aforesaid, and for extending the time within which any act or thing may or is required to be done under those Acts.

(2) In relation to rules made under this Act the provisions of sub-section (3) of section sixty of the Trade Marks Act, 1905, shall not apply.

(**a**) The full text of each of these Acts as enacted is printed at pp. 12, 30 above, and the Rules thereunder are printed at pp. 226–236 above.

(3) If the rules made under this Act so provide the rules or any of them shall have effect as from the passing of this Act.

(4) This Act shall apply to any person resident and carrying on business in the territory of a State at war with His Majesty as if he was a subject of that State; and the expression "subject of any State at war with His Majesty" shall, with reference to a company, include any company the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within His Majesty's dominions; and, where a patent has been granted to any person in respect of an invention declared in the application or any specification to have been communicated to him by some other person, that other person shall, for the purposes of this Act, be deemed to be the person entitled to the benefit of the patent unless the contrary is proved.

Appendix E.

SECTIONS 96 TO 98 OF THE BURGH POLICE (SCOTLAND) ACT, 1892 (55 & 56 VICT. C. 55) AS AMENDED AND EXTENDED TO COUNTIES BY THE SPECIAL CONSTABLES (SCOTLAND) ACT, 1914 (4 & 5 GEO. 5. C. 53).

Special Constables.

Standing joint committee(**a**) may appoint special constables.

96. For the purpose of aiding the police constables on occasions of emergency and for suppressing or preventing tumult or riot the standing joint committee(**a**) may from time to time appoint any of the owners or occupiers of lands or premises, or other person between the ages of twenty and fifty, to act as special constables for a period not exceeding six months, and may recall such appointment at pleasure, and the special constables so appointed shall have the same powers and privileges as constables of police appointed and acting under the Police (Scotland) Act, 1857.(**a**)

20 & 21 Vict c. 72.

Roll of special constables to be kept.

97. A roll of the names and addresses of all special constables shall be kept by the chief constable,(**a**) and the expenses of providing them with batons, or otherwise equipping, training, and employing them shall be paid by the county council out of the county police rate.

Special constables on duty to be under chief constable. (**a**)

98. Every special constable, shall, when on duty, be under the direction of the chief constable,(**a**) but the standing joint committee(**a**) may make such regulations for their organisation and training as they think proper.

(**a**) In the application to the counties of Orkney and Shetland of these sections references to the Police (Scotland) Act, 1857, do not apply, and various substitutions are made, *see* Order of October 5th, 1914, printed at p. 374 above.

Appendix F.

PROVISIONS OF THE POLICE ACTS, AND OF THE POLICE (SCOTLAND) ACTS APPLIED BY THE POLICE CONSTABLES (NAVAL AND MILITARY SERVICE) ACT, 1914 (4 & 5 GEO. 5. C. 80).

I.—Enactments applying to England and Wales.

Section 4 (5) of the Police Act, 1890 (53 & 54 Vict. c. 45), printed as extended by Section 4 (2) of the Police (Superannuation) Act, 1906 (6 Edw. 7. c. 7).

Where a constable, with the knowledge of the police authority or of the chief officer of his police force, belongs to any Royal Naval Reserve force and is required for training or called into actual service, or belongs to the Army Reserve and is called out for training or for permanent service, he shall be entitled, on returning to the police force after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement thereof.

Section 4 (1) of the Police (Superannuation) Act, 1906. (6 Edw. 7. c. 7).

53 & 4 Vict. c. 45.

Where a constable of a police force to which the Police Act, 1890, applies has, in pursuance of a Royal proclamation, been called into actual service as a member of any Royal Naval Reserve force, or been called out for permanent service as a member of the Army Reserve, his period of service under that proclamation may, if the police authority think fit, be reckoned in the computation of approved service.

Note.—For the purposes of the present war the above enactments, both as originally enacted and as applied by the 1914 Act, apply to constables of the City Police Force as if that force were a police force within the meaning of the Police Act, 1890 (*see* Police Constables (Naval and Military Service) Act, 1914, s. 3 printed at p. 39 above).

II. Enactments applying to Scotland.

Section 4 (5) of the Police (Scotland) Act, 1890 (53 & 54 Vict. c. 67), printed as extended by section 9 (2) of the Police (Scotland) Act (1890) Amendment Act, 1910 (10 Edw. 7 and 1 Geo. 5. c. 10).

Where a constable, with the knowledge of the police authority or of the chief officer of his police force, belongs to any Royal Naval Reserve force and is required for training or called into actual service, or belongs to the Army Reserve and is called out for training or for permanent service, he shall be entitled, on returning to the police force after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement thereof.

Section 9 (1) of the Police (Scotland) Act (1890) Amendment Act, 1910 (10 Edw. 7 and 1 Geo. 5. c. 10).

53 & 54 Vict. c. 67. Where a constable of a police force to which the principal Act(**a**) applies has, in pursuant of a Royal proclamation, been called into actual service as a member of any Royal Naval Reserve force, or been called out for permanent service as a member of the Army Reserve, his period of service under that proclamation may, if the police authority think fit, be reckoned in the computation of approved service.

Appendix G.

CONVENTION VI. (STATUS OF ENEMY MERCHANT SHIPS), AND CHAPTER III. OF CHAPTER XI. (RESTRICTIONS ON RIGHT OF CAPTURE IN MARITIME WAR) OF THE HAGUE CONVENTIONS OF 1907.

Convention relative to the Status of Enemy Merchant-ships at the Outbreak of Hostilities.

(Translation.)

Article 1.(**b**)

When a merchant-ship belonging to one of the belligerant Powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated to it.

The same principle applies in the case of a ship which has left its last port of departure before the commencement of the war and has entered a port belonging to the enemy while still ignorant that hostilities have broken out.

(**a**) *i.e.*, The Police (Scotland) Act, 1890, *see* 10 Edw. 7 & 1 Geo. 5. c. 10, s. 3.

(**b**) *See* Articles 3, 4 and 9 of the Order in Council of August 4th, 1914, printed at pp. 138–141 above under the heading "'Days of Grace' to Enemy Ships."

ARTICLE 2.(**a**)

A merchant-ship which, owing to circumstances beyond its control, may have been unable to leave the enemy port within the period contemplated in the preceding Article, or which was not allowed to leave, may not be confiscated.

The belligerent may merely detain it, on condition of restoring it after the war, without payment of compensation, or he may requisition it on condition of paying compensation.

ARTICLE 3.(**b**)

Enemy merchant-ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities may not be confiscated. They are merely liable to be detained on condition that they are restored after the war without payment of compensation; or to be requisitioned, or even destroyed, on payment of compensatlon, but in such case provision must be made for the safety of the persons on board as well as the preservation of the ship's papers.

After touching at a port in their own country or at a neutral port, such ships are subject to the laws and customs of naval war.

ARTICLE 4.(**a**)

Enemy cargo on board the vessels referred to in Articles 1 and 2 is likewise liable to be detained and restored after the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship.

The same principle applies in the case of cargo on board the vessels referred to in Article 3.

ARTICLE 5.(**c**)

The present Convention does not refer to merchant-ships which show by their build that they are intended for conversion into war-ships.

ARTICLE 6.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

(**a**) *See* Article 5 of the Order in Council of August 4th, 1914, printed at pp. 138–141 above under the heading "'DAYS OF GRACE' TO ENEMY SHIPS."

(**b**) *See* Article 10 of the Order in Council of August 4th, 1914, printed at pp. 138–141 above under the heading "'DAYS OF GRACE' TO ENEMY SHIPS."

(**c**) *See* Article 6 of the Order in Council of August 4th, 1914, printed at pp. 138–141 above under the heading "'DAYS OF GRACE' TO ENEMY SHIPS."

ARTICLE 7.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have acceded to the Convention. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 8.

Non-Signatory Powers may accede to the present convention.

A Power which desires to accede notifies its intentions in writing to the Netherland Government, forwarding to it the act of accession, which shall be deposited in the archives of the said Government.

The said Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of accession, mentioning the date on which it received the notification.

ARTICLE 9.

The present Convention shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently or which shall accede, sixty days after the notification of their ratification or of their accession has been received by the Netherland Government.

ARTICLE 10.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only operate in respect of the denouncing Power, and only on the expiry of one year after the notification has reached the Netherland Government.

ARTICLE 11.

A register kept by the Netherland Ministry for Foreign Affairs shall record the date of the deposit of ratifications effected in virtue of Article 7, paragraphs 3 and 4, as well as the date on which the notifications of accessions (Article 8, paragraph 2) or of denunciation (Article 10, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

CONVENTION RELATIVE TO CERTAIN RESTRICTIONS ON THE EXERCISE OF THE RIGHT OF CAPTURE IN MARITIME WAR.

(Translation.)

CHAPTER III.

REGULATIONS REGARDING THE CREWS OF ENEMY MERCHANT-SHIPS CAPTURED BY A BELLIGERENT.

ARTICLE 5.

When an enemy merchant-ship is captured by a belligerent, such of its crew as are subjects or citizens of a neutral State are not made prisoners of war.

The same principle applies in the case of the captain and officers, likewise subjects or citizens of a neutral State, if they give a formal undertaking in writing not to serve on an enemy ship while the war lasts.

ARTICLE 6.

The captain, officers, and members of the crew, if subjects or citizens of the enemy State, are not made prisoners of war, provided that they undertake, on the faith of a written promise, not to engage, while hostilities last, in any service connected with the operations of the war.(**a**)

ARTICLE 7.

The names of the persons retaining their liberty under the conditions laid down in Article 5, in the second paragraph, and in Article 6, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

ARTICLE 8.

The provisions of the three preceding Articles do not apply to ships taking part in hostilities.

(**a**) *See* Article 12 of the Order in Council of August 4th, 1914, printed at pp. 138–141 above under the heading "'DAYS OF GRACE' TO ENEMY SHIPS."

Appendix H.

THE DECLARATION OF PARIS OF 1856.

DECLARATION RESPECTING MARITIME LAW, SIGNED BY THE PLENIPOTENTIARIES OF GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, RUSSIA, SARDINIA, AND TURKEY, ASSEMBLED IN CONGRESS AT PARIS, APRIL 16, 1856.

(Translation.)

The Plenipotentiaries who signed the Treaty of Paris of the thirtieth of March, one thousand eight hundred and fifty-six, assembled in Conference,—

Considering:

That maritime law, in time of war, has long been the subject of deplorable disputes;

That the uncertainty of the law and of the duties in such a matter gives rise to differences of opinion between neutrals and belligerents which may occasion serious difficulties, and even conflicts;

That it is consequently advantageous to establish a uniform doctrine on so important a point;

That the Plenipotentiaries assembled in Congress at Paris cannot better respond to the intentions by which their Governments are animated, than by seeking to introduce into international relations fixed principles in this respect;

The above-mentioned Plenipotentiaries, being duly authorized, resolved to concert among themselves as to the means of attaining this object; and, having come to an agreement, have adopted the following solemn Declaration:—

1. Privateering is, and remains, abolished;
2. The neutral flag covers enemy's goods, with the exception of contraband of war;
3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag;
4. Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The Governments of the undersigned Plenipotentiaries engage to bring the present Declaration to the knowledge of the States which have not taken part in the Congress of Paris, and to invite them to accede to it.

Convinced that the maxims which they now proclaim cannot but be received with gratitude by the whole world, the undersigned Plenipotentiaries doubt not that the efforts of their Governments to obtain the general adoption thereof will be crowned with full success.

The present Declaration is not and shall not be binding, except between those Powers who have acceded, or shall accede, to it.

Done at Paris, the sixteenth of April, one thousand eight hundred and fifty-six.

(Signed) BUOL-SCHAUENSTEIN.
HUBNER.
WALEWSKI.
BOURQUENEY.
CLARENDON.
COWLEY.
MANTEUFFEL.
HATZFELDT.
ORLOFF.
BRUNNOW.
CAVOUR.
DE VILLAMARINA.
AALI.
MEHEMMED DJEMIL.

THE DECLARATION OF LONDON OF 1909.

Declaration concerning the Laws of Naval War.(a)

(Translation.(b))

His Majesty the German Emperor, King of Prussia; the President of the United States of America; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Majesty the Emperor of All the Russias.

Having regard to the terms in which the British Government invited various Powers to meet in conference in order to arrive at an agreement as to what are the generally recognized rules of international law within the meaning of Article 7 of the Convention of 18th October, 1907, relative to the establishment of an International Prize Court;

(a) The Order in Council of August 20th, 1914, printed at pp. 143–145 above, under the heading "Declaration of London," provides that during the present hostilities the Declaration of London shall subject to certain additions and modifications be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty.

(b) The Declaration was signed in the French language only.

Recognizing all the advantages which an agreement as to the said rules would, in the unfortunate event of a naval war, present, both as regards peaceful commerce, and as regards the belligerents and their diplomatic relations with neutral Governments;

Having regard to the divergence often found in the methods by which it is sought to apply in practice the general principles of international law;

Animated by the desire to insure henceforward a greater measure of uniformity in this respect;

Hoping that a work so important to the common welfare will meet with general approval;

Have appointed as their Plenipotentiaries, that is to say:

His Majesty the German Emperor, King of Prussia:

M. Kriege, Privy Councillor of Legation and Legal Adviser to the Department for Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

Rear-Admiral Charles H. Stockton, retired;

Mr. George Grafton Wilson, Professor at Brown University and Lecturer on International Law at the Naval War College and at Harvard University.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

His Excellency M. Constantin Théodore Dumba, Privy Councillor of His Imperial and Royal Apostolic Majesty, Envoy Extraordinary and Minister Plenipotentiary.

His Majesty the King of Spain:

M. Gabriel Maura y Gamazo, Count de la Mortera, Member of Parliament.

The President of the French Republic:

M. Louis Renault, Professor of the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India:

The Earl of Desart, K.C.B., King's Proctor.

His Majesty the King of Italy:

M. Guido Fusinato, Councillor of State, Member of Parliament, ex-Minister of Public Instruction, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Japan:

Baron Toshiatsu Sakamoto, Vice-Admiral, Head of the Department of Naval Instruction;

M. Enjiro Yamaza, Councillor of the Imperial Embassy at London.

Her Majesty the Queen of the Netherlands:

His Excellency Jonkheer J. A. Roëll, Aide-de-Camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral retired, ex-Minister of Marine;

Jonkheer L. H. Ruyssenaers, Envoy Extraordinary and Minister Plenipotentiary, ex-Secretary-General of the Permanent Court of Arbitration.

His Majesty the Emperor of all the Russias:

Baron Taube, Doctor of Laws, Councillor to the Imperial Ministry of Foreign Affairs, Professor of International Law at the University of St. Petersburgh.

Who, after having communicated their full powers, found to be in good and due form, have agreed to make the present Declaration:—

Preliminary Provision.

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.

Chapter I.

Blockade in time of War.(a)

Article 1.

A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

Article 2.

In accordance with the Declaration of Paris of 1856,(**b**) a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.

Article 3.

The question whether a blockade is effective is a question of fact.

Article 4.

A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

Article 5.

A blockade must be applied impartially to the ships of all nations.

(**a**) The Order in Council of August 20th, printed at pp. 143–145 above under the heading "DECLARATION OF LONDON" provides that the existence of a blockade shall be presumed to be known:—

- (*a*) to all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade.
- (*b*) to all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.

(**b**) Printed at p. 446 above.

Article 6.

The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

Article 7.

In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

Article 8.

A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 and 16.

Article 9.

A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.

It specifies—

(1.) The date when the blockade begins;

(2.) The geographical limits of the coastline under blockade;

(3.) The period within which neutral vessels may come out.

Article 10.

If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with Article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

Article. 11.

A declaration of blockade is notified—

(1.) To neutral Powers, by the blockading Power by means of a communication addressed to the Governments direct, or to their representatives accredited to it;

(2) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.

Article 12.

The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

Article 13.

The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article 11.

Article 14.

The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

Article 15.

Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

Article 16.

If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.

If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

Article 17.

Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.

Article 18.

The blockading forces must not bar access to neutral ports or coasts.

Article 19.

Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

Article 20.

A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected

Article 21.

A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.

Chapter II.

(a) Contraband of War.

(b)Article 22.

The following articles may, without notice,(c) be treated as contraband of war, under the name of absolute contraband:—

(1.) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
(2.) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
(3.) Powder and explosives specially prepared for use in war.
(4.) Gun-mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts.
(5.) Clothing and equipment of a distinctively military character.
(6.) All kinds of harness of a distinctively military character.
(7.) Saddle, draught, and pack animals suitable for use in war.
(8.) Articles of camp equipment, and their distinctive component parts.
(9.) Armour plates.
(10.) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
(11.) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

Article 23.

Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.

(**a**) The Order in Council of August 20th, printed at pp. 143–145 above under the heading "Declaration of London" provides that a neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

(**b**) The Order in Council of August 20th, 1914, printed at pp. 143–145 above under the heading "Declaration of London" provides that the list of absolute contraband contained in the Proclamation of August 4th, 1914, printed at pp. 108, 109 above under the heading "Contraband of War" shall be substituted for the list contained in Article 22 of the Declaration.

(**c**) In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman as appears from the General Report (*see* p. 479) printed below.

(**a**) ARTICLE 24.

The following articles, susceptible of use in war as well as for purposes of peace, may, without notice,(**b**) be treated as contraband of war, under the name of conditional contraband:—

(1.) Foodstuffs.
(2.) Forage and grain, suitable for feeding animals.
(3.) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
(4.) Gold and silver in coin or bullion; paper money.
(5.) Vehicles of all kinds available for use in war, and their component parts.
(6.) Vessels, craft, and boats of all kinds; floating docks, parts of docks and their component parts.
(7.) Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraphs, and telephones.
(8.) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
(9.) Fuel; lubricants.
(10.) Powder and explosives not specially prepared for use in war.
(11.) Barbed wire and implements for fixing and cutting the same.
(12.) Horseshoes and shoeing materials.
(13.) Harness and saddlery.
(14.) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

ARTICLE 25.

Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

(**a**) The Order in Council of August 20th (printed at pp. 143–145 above, under the heading "DECLARATION OF LONDON"), provides that the list of conditional contraband contained in the Proclamation dated August 4th, 1914 (printed at pp. 108, 109 above under the heading "CONTRABAND OF WAR"), shall be substituted for the lists contained in Article 24 of the Declaration. The Proclamation of September 21st, printed at p. 111 above, under the heading "CONTRABAND OF WAR," provides that the articles enumerated in the Schedule thereto will, notwithstanding anything contained in Article 28 of the Declaration of London, be treated as conditional Contraband. A full list of conditional Contraband is printed in Appendix A III. at p. 408 above.

(**b**) In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman as appears from the General Report (*see* p. 481) printed below.

ARTICLE 26.

If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

ARTICLE 27.

Articles which are not susceptible of use in war may not be declared contraband of war.

(a) ARTICLE 28.

The following may not be declared contraband of war:—

(1.) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
(2.) Oil seeds and nuts; copra.
(3.) Rubber resins, gums, and lacs; hops.
(4.) Raw hides and horns, bones, and ivory.
(5.) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
(6.) Metallic ores.
(7.) Earths, clays, lime, chalk, stone, including marble, bricks, slates and tiles.
(8.) Chinaware and glass.
(9.) Paper and paper-making materials.
(10.) Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.
(11.) Bleaching powder, soda ash, caustic soda, salt cake. ammonia, sulphate of ammonia, and sulphate of copper.
(12.) Agricultural, mining, textile, and printing machinery.
(13.) Precious and semi-precious stones, pearls, mother-of-pearl, and coral.
(14.) Clocks and watches, other than chronometers.
(15.) Fashion and fancy goods.
(16.) Feathers of all kinds, hairs, and bristles.
(17.) Articles of household furniture and decoration; office furniture and requisites.

ARTICLE 29.

Likewise the following may not be treated as contraband of war:—

(1.) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 30.

(a) The Proclamation of September 21st, printed at p. 111 above, under the heading "CONTRABAND OF WAR," provides that the articles enumerated in the Schedule thereto will, notwithstanding anything contained in Article 28 of the Declaration of London, be treated as conditional Contraband. Full lists of both absolute and conditional Contraband are printed in Appendix A III. at pp. 407. 408 above.

(2.) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

Article 30.

Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transhipment or a subsequent transport by land.

Article 31.

Proof of the destination specified in Article 30 is complete in the following cases:—

(1.) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.

(2.) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.

Article 32.

Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

Article 33.

Conditional contraband is liable to capture if it is shown to be be(**a**) destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).

(**a**) The Order in Council of August 20th, printed at pp. 143–145 above, under the heading "Declaration of London" provides that the destination referred to in Article 33 may be inferred from any sufficient evidence, and (in addition to the presumption laid down in Article 34) shall be presumed to exist if the goods are consigned to or for an agent of the Enemy State or to or for a merchant or other person under the control of the authorities of the Enemy State.

ARTICLE 34.

The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

ARTICLE 35.(a)

Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

ARTICLE 36.

Notwithstanding the provisions of Article 35, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.

ARTICLE 37.

A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

ARTICLE 38.

A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

(a) The Order in Council of August 20th, printed at pp. 143–145 above, under the heading "DECLARATION OF LONDON" provides that notwithstanding the provisions of Article 35 of the said Declaration, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

ARTICLE 39.

Contraband goods are liable to condemnation.

ARTICLE 40.

A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

ARTICLE 41.

If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

ARTICLE 42.

Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

ARTICLE 43.

If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in Article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities or of the declaration of contraband respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

ARTICLE 44.

A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

Chapter III.

Unneutral Service.

Article 45.

A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband:—

(1.) If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.

(2.) If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present Article do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the Power to which such port belongs, provided that such notification was made in sufficient time.

Article 46.

A neutral vessel will be condemned and, in a general way, receive the same treatment as would be applicable to her if she were an enemy merchant vessel:

(1.) If she takes a direct part in the hostilities;

(2.) If she is under the orders or control of an agent placed on board by the enemy Government;

(3.) If she is in the exclusive employment of the enemy Government;

(4.) If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.

In the cases covered by the present Article, goods belonging to the owner of the vessel are likewise liable to condemnation.

Article 47.

Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

Chapter IV.

Destruction of Neutral Prizes.

Article 48.

A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture.

Article 49.

As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of Article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

Article 50.

Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

Article 51.

A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity of the nature contemplated in Article 49. If he fails to do this, he must compensate the parties interested and no examination shall be made of the question whether the capture was valid or not.

Article 52.

If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

Article 53.

If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

Article 54.

The captor has the right to demand the handing over, or to proceed himself to the destruction of, any goods liable to condemnation found on board a vessel not herself liable to condemnation provided that the circumstances are such as would, under

Article 49, justify the destruction of a vessel herself liable to condemnation. The captain must enter the goods surrendered or destroyed in the log book of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed, and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of Articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

Chapter V.

Transfer to a Neutral Flag.

Article 55.

The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities and if the bill of sale is not on board, the capture of the vessel gives no right to damages.

Article 56.

The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

There, however, is an absolute presumption that a transfer is void—

(1.) If the transfer has been made during a voyage or in a blockaded port.

(2.) If a right to repurchase or recover the vessel is reserved to the vendor.

(3.) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing, have not been fulfilled.

Chapter VI.

Enemy Character.

Article 57.

Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of, and is in no wise affected by, this rule.

Article 58.

The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

Article 59.

In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

Article 60.

Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.

Chapter VII.

Convoy.

Article 61.

Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.

Article 62.

If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

Chapter VIII.

Resistance to Search.

Article 63.

Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

Chapter IX.

Compensation.

Article 64.

If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

FINAL PROVISIONS.

Article 65.

The provisions of the present Declaration must be treated as a whole, and cannot be separated.

Article 66.

The Signatory Powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

Article 67.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the Signatory Powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 68.

The present Declaration shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

ARTICLE 69.

In the event of one of the Signatory Powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other Powers.

It will only operate in respect of the denouncing Power.

ARTICLE 70.

The Powers represented at the London Naval Conference attach particular importance to the general recognition of the rules which they have adopted, and therefore express the hope that the Powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.

A Power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other Powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this Declaration, acceding Powers shall be on the same footing as the Signatory Powers.

ARTICLE 71.

The present Declaration, which bears the date of the 26th February, 1909, may be signed in London up till the 30th June, 1909, by the Plenipotentiaries of the Powers represented at the Naval Conference.

In faith whereof the Plenipotentiaries have signed the present Declaration, and have thereto affixed their seals.

Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.

GENERAL REPORT PRESENTED TO THE NAVAL CONFERENCE ON BEHALF OF ITS DRAFTING COMMITTEE.(a) (b)

(Translation.(**c**))

ON the 27th February, 1908, the British Government addressed a circular to various Powers inviting them to meet at a Conference with the object of reaching an agreement as to the definition of the generally recognized principles of international law in the sense of Article 7, paragraph 2, of the Convention signed at The Hague on the 18th October, 1907, for the establishment of an International Prize Court. This agreement appeared necessary to the British Government on account of certain divergences of view which had become apparent at the Second Peace Conference in connection with the settlement of various important questions of international maritime law in time of war. The existence of these divergent views might, it seemed, render difficult the acceptance of the International Prize Court, as the power of this Court would be the more extended in proportion as the rules to be applied by it were more uncertain.

The British Government suggested that the following questions might form the programme of the proposed Conference, and invited the Powers to express their views regarding them in preparatory Memoranda:

(a.) Contraband, including the circumstances under which particular articles can be considered as contraband; the penalties for their carriage; the immunity of a ship from search when under convoy; and the rules with regard to compensation where vessels have been seized but have been found in fact only to be carrying innocent cargo;

(b.) Blockade, including the questions as to the locality where seizure can be effected, and the notice that is necessary before a ship can be seized.

(c.) The doctrine of continuous voyage in respect both of contraband and of blockade;

(d.) The legality of the destruction of neutral vessels prior to their condemnation by a prize court;

(e.) The rules as to neutral ships or persons rendering "unneutral service" ("assistance hostile");

(**a**) This Committee consists of Messrs. Kriege (*Germany*), Wilson (*United States of America*), Dumba (*Austria-Hungary*), Estrada (*Spain*), Renault (*France*) Reporter, Hurst (*Great Britain*), Ricci-Busatti (*Italy*), Sakamoto (*Japan*). Ruyssenaers (*Netherlands*), Baron Taube (*Russia*).

(**b**) The Order in Council of August 20th, printed at pp. 143–145 above, under the heading "DECLARATION OF LONDON" provides that the General Report of the Drafting Committee on the said Declaration presented to the Naval Conference and adopted by the Conference at the eleventh plenary meeting on February 25th, 1909, shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such Courts shall construe and interpret the provisions of the said Declaration by the light of the commentary given therein.

(**c**) For the original French text of the Report see Parliamentary Paper "Miscellaneous No. 5 (1909)," p. 342.

(*f.*) *The legality of the conversion of a merchant-vessel into a war-ship on the high seas;*

(*g.*) *The rules as to the transfer of merchant-vessels from a belligerent to a neutral flag during or in contemplation of hostilities;*

(*h.*) *The question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property is enemy property.*

The invitations were accepted, and the Conference met on the 4th December last. The British Government had been so good as to assist its deliberations by presenting a collection of papers which quickly became known among us by the name of *the Red Book*, and which, after a short introduction, contains a "Statement of the views expressed by the Powers in their Memoranda, and observations intended to serve as a basis for the deliberations of the Conference." These are the "bases of discussion" which served as a starting-point for the examination of the chief questions of existing international maritime law. The Conference could not but express its gratitude for this valuable preparatory work, which was of great assistance to it. It made it possible to observe, in the first place, that the divergencies in the practices and doctrines of the different countries were perhaps less wide than was generally believed, that the essential ideas were often the same in all countries, and that the methods of application alone varied with traditions or prejudices, with permanent or accidental interests. It was, therefore, possible to extract a common element which it could be agreed to recommend for uniform application. This is the end to which the efforts of the different Delegations tended, and they vied with one another in their zeal in the search for the grounds of a common understanding. Their efforts were strenuous, as is shown by the prolonged discussions of the Conference, the Grand Committee, and the Examining Committees, and by the numerous proposals which were presented. Sailors, diplomatists, and jurists cordially cooperated in a work the description of which, rather than a final estimate of its essential value, is the object of this Report, as our impartiality might naturally be suspected.

The body of rules contained in the *Declaration*, which is the result of the deliberations of the Naval Conference, and which is to be entitled *Declaration concerning the laws of naval war*, answers well to the desire expressed by the British Government in its invitation of February 1908. The questions in the programme are all settled except two, with regard to which explanations will be given later. The solutions have been extracted from the various views or practices which prevail, and represent what may be called the *media sententia*. They are not always in absolute agreement with the views peculiar to each country, but they shock the essential ideas of none. They must not be examined separately, but as a whole, otherwise there is a risk of the most serious misunderstandings. In fact, if one or more isolated rules are examined either from the belligerent or the neutral point of view, the reader may find that the interests with which he is especially concerned are jeopardized by the adoption of these rules. But they have another side. The work is one of compromise and mutual concessions. Is it, as a whole, a good one?

We confidently hope that those who study it seriously will answer that it is. The Declaration puts uniformity and certainty in the place of the diversity and obscurity from which international relations have too long suffered. The Conference has tried to reconcile in an equitable and practical way the rights of belligerents with those of neutral commerce; it consists of Powers whose conditions, from the political, economic, and geographical points of view, vary considerably. There is therefore reason to suppose that the rules on which these Powers have agreed take sufficient account of the different interests involved, and hence may be accepted without objection by all the others.

The Preamble of the Declaration summarizes the general ideas just set forth.

Having regard to the terms in which the British Government invited various Powers to meet in conference in order to arrive at an agreement as to what are the generally recognized rules of international law within the meaning of Article 7 of the Convention of the 18th October, 1907, relative to the establishment of an International Prize Court;

Recognizing all the advantages which an agreement as to the said rules would present in the unfortunate event of a naval war, both as regards peaceful commerce and as regards the belligerents and their diplomatic relations with neutral Governments;

Having regard to the divergence often found in the methods by which it is sought to apply in practice the generol principles of international law;

Animated by the desire to insure henceforward a greater measure of uniformity in this respect;

Hoping that a work so important to the common welfare will meet with general approval;

What is the scope of application of the rules thus laid down? They must be observed in the relations between the signatory parties, since those parties acknowledge them as principles of recognized international law and, besides, expressly bind themselves to secure the benefit of them for one another. The Signatory Powers who are or will be parties to the Convention establishing the International Prize Court will have, besides, an opportunity of having these rules applied to disputes in which they are concerned, whether the Court regards them as generally recognized rules, or takes account of the pledge given to observe them. It is, moreover, to be hoped that these rules will before long be accepted by the majority of States, who will recognize the advantage of substituting exact provisions for more or less indefinite usages which tend to give rise to controversy.

It has been said above that two points in the programme of the Conference were not decided.

1. The programme mentions under head *(f)*: *the legality of the conversion of a merchant vessel into a warship on the high seas.* The conflicting views on this subject which became apparent at the Conference of The Hague in 1907, have recurred at the present Conference. It may be concluded, both from the statements in the Memoranda and from the discussion, that there is no generally accepted rule on this point, nor do there appear to be any precedents which can be adduced. Though the two opposite opinions were defended with great warmth, a lively desire for an understanding was expressed on all sides; everybody was at least agreed that it would be a great advantage to put an end to uncertainty. Serious efforts were made to do justice to the interests espoused by both sides, but these unfortunately failed. A subsidiary question dependent on the previous one, on which, at one moment, it appeared possible to come to an agreement, is that of *reconversion.* According to one proposal, it was to be laid down that "merchant vessels converted into warships cannot be reconverted into merchant vessels during the course of the war." The rule was absolute, and made no distinction as regards the place where reconversion could be effected; it was dictated by the idea that such conversion would always have disadvantages, would be productive of surprises, and lead to actual frauds. As unanimity in favour of this proposal was not forthcoming, a subsidiary one was brought forward, viz., "the conversion of a warship into a merchant vessel on the high seas is forbidden during the war." The case had in view was that of a warship (generally a recently converted merchant vessel) doffing its character so as to be able freely to revictual or refit in a neutral port without being bound by the restrictions imposed on warships. Will not the position of the neutral State between two belligerents be delicate, and will not such State expose itself to reproach whether it treats the newly converted ship as a merchant vessel or as a warship? Agreement might perhaps have been reached on this proposal, but it seemed very difficult to deal with this secondary aspect of a question which there was no hope of settling as a whole. This was the decisive reason for the rejection of all proposals.

The question of conversion on the high seas and that of reconversion therefore remain open.

(2.) Under head *(h)*, the British Programme mentions: *the question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property in enemy property.* This question was subjected to a searching examination by a special Committee, which had to acknowledge the uncertainty of actual practice; it was proposed to put an end to this by the following provisions:—

> "The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy nationality of their owner, or, if he is of no nationality or of double nationality (*i.e.*, both neutral and enemy), by his domicile in a neutral or enemy country;
>
> "Provided that goods belonging to a limited liability or joint stock company are considered as neutral or enemy according as the company has its headquarters in a neutral or enemy country."

Unanimity not being forthcoming, these provisions remained without effect.

We now reach the explanation of the Declaration itself, on which we shall try, by summarizing the Reports already approved by the Conference, to give an exact and uncontroversial commentary; this, when it has become an official commentary by receiving the approval of the Conference, may serve as a guide to the different authorities—administrative, military, and judicial—who may be called on to apply it.

PRELIMINARY PROVISION.

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.

This provision dominates all the rules which follow. Its spirit has been indicated in the general remarks to be found at the beginning of this Report. The purpose of the Conference has, above all, been to note, to define, and, where needful, to complete what might be necessary as customary law.

Chapter I.

BLOCKADE IN TIME OF WAR.

Blockade is here regarded solely as an operation of war, and there is no intention of touching in any way on what is called *pacific blockade.*

Article 1.

A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

Blockade, as an operation of war, can be directed by a belligerent only against his adversary. This very simple rule is laid down at the start, but its full scope is apparent only when it is read in connection with Article 18.

Article 2.

In accordance with the Declaration of Paris of 1856, *a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.*

The first condition necessary to render a blockade binding is that it should be effective. There has been universal agreement on this subject for a long time. As for the definition of an effective blockade, we thought that we had only to adopt the one to be found in the Declaration of Paris of the 16th April, 1856, which, conventionally, binds a great number of States, and is in fact accepted by the rest.

Article 3.

The question whether a blockade is effective is a question of fact.

It is easily to be understood that difficulties often arise on the question whether a blockade is effective or not; opposing interests are at stake. The blockading belligerent wishes to economize his efforts, and neutrals desire their trade to be as little hampered as possible. Diplomatic protests have sometimes been made on this subject. The point may be a delicate one, because no absolute rule can be laid down as to the number and position of the blockading ships. All depends on matters of fact and geographical conditions. In one case a single ship will suffice to blockade a port as effectively as possible, whereas in another a whole fleet may not be enough really to prevent access to one or more ports declared to be blockaded. It is therefore essentially a *question of fact*, to be decided on the merits of each case, and not according to a formula drawn up beforehand. Who shall decide it? The judicial authority. This will be, in the first place, the national tribunal which is called on to pronounce as to the validity of the prize and which the vessel captured for breach of blockade can ask to declare the capture void, because the blockade, not being effective, was not binding. This resort has always existed; it may not always have given satisfaction to the Powers concerned, because they may have thought that the national tribunal was rather naturally led to consider effective the blockade declared to be so by its Government. But, when the International Prize Court Convention comes into force, there will be an absolutely impartial tribunal, to which neutrals may apply, and which will decide whether, in a given case, the blockade was effective or not. The possibility of this resort, besides allowing certain injustices to be redressed, will most likely have a preventive effect, in that a Government will take care to establish its blockades in such a way that their effect cannot be annulled by decisions which would inflict on it a heavy loss. The full scope of Article 3 is thus seen when it is understood that the question with which it deals must be settled by a Court. The foregoing explanation is inserted in the Report at the request of the Committee, in order to remove all possibility of misunderstanding.

Article 4.

A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

It is not enough for a blockade to be established; it must be maintained. If it is raised it may be re-established, but this requires the observance of the same formalities as though it were established for the first time. By tradition, a blockade is not regarded as raised when it is in consequence of stress of weather that the blockading forces are temporarily withdrawn. This is laid down in Article 4. It must be considered limitative in the sense that stress of weather is the only form of compulsion which can be alleged. If the blockading forces were withdrawn for any other reason, the blockade would be regarded as raised, and, if it were resumed, Articles 12 (last rule) and 13 would apply.

Article 5.

A blockade must be applied impartially to the ships of all nations.

Blockade, as an operation of lawful warfare, must be respected by neutrals in so far as it really remains an operation of war which has the object of interrupting all commercial relations with the blockaded port. It may not be made the means of allowing a belligerent to favour the vessels of certain nations by letting them pass. This is the point of Article 5.

Article 6.

The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

Does the prohibition which applies to all merchant vessels apply also to warships? No definite reply can be given. The commander of the blockading forces may think it useful to cut off all communication with the blockaded place, and refuse access to neutral warships; no rule is imposed on him. If he lets them in, it is as a matter of courtesy. If a rule has been drawn up merely to lay down this, it is in order that it may not be claimed that a blockade has ceased to be effective on account of leave granted to such and such neutral warships.

The blockading commander must act impartially, as stated in Article 5. Nevertheless, the mere fact that he has let a warship pass does not oblige him to let pass all neutral warships which may come. It is a question of judgment. The presence of a neutral warship in a blockaded port may not have the same consequences at all stages of the blockade, and the commander must be left free to judge whether he can be courteous without making any sacrifice of his military interests.

Article 7.

In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade, and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

Distress can explain the entrance of a neutral vessel into a blockaded place, for instance, if she is in want of food or water, or needs immediate repairs. As soon as her distress is acknowledged by an authority of the blockading force, she *may* cross the line of blockade; it is not a favour which she has to ask of the humanity or courtesy of the blockading authority. The latter may deny the state of distress, but when once it is proved to exist, the consequence follows of itself. The vessel which has thus entered the blockaded port will not be obliged to remain there for the whole duration of the blockade; she may leave as soon as she is fit to do so, when she has obtained the food or water which she needs, or when she has been repaired. But the leave granted to her must not be made an excuse for commercial transactions; therefore she is forbidden to discharge or ship any cargo.

It is needless to say that a blockading squadron which insisted on preventing a vessel in distress from passing, might do so if she afforded her the help which she needed.

Article 8.

A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 and 16.

Independently of the condition prescribed by the Declaration of Paris that it must be effective, a blockade, to be binding, must be *declared* and *notified*. Article 8 confines itself to laying down the principle which is applied by the following Articles.

To remove all possibility of misunderstanding it is enough to define clearly the meaning of these two expressions, which will frequently be used. The *declaration of blockade* is the act of the competent authority (a Government or commander of a squadron) stating that a blockade is, or is about to be, established under conditions to be specified (Article 9). The *notification* is the fact of bringing the declaration of blockade to the knowledge of the neutral Powers or of certain authorities (Article 11).

These two things—declaration and notification—will in most cases be done previously to the enforcement of the rules of blockade, that is to say, to the real prohibition of passage. Nevertheless, as we shall see later, it is sometimes possible for passage to be forbidden by the very fact of the blockade which is brought to the knowledge of a vessel approaching a blockaded port by means of a *notification* which is *special*, whereas the notification which has just been defined, and which is spoken of in Article 11, is of a general character.

Article 9.

A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.

It specifies—

(1.) *The date when the blockade begins;*

(2.) *The geographical limits of the coastline under blockade;*

(3.) *The period within which neutral vessels may come out;*

The declaration of blockade in most cases emanates from the belligerent Government itself. That Government may have left the commander of its naval forces free himself to declare a blockade according to the circumstances. There will not, perhaps, be as much reason as formerly to give this discretion, because of the ease and rapidity of communication. This, being merely an internal question, matters little.

The declaration of blockade must specify certain points which it is in the interest of neutrals to know, in order to be aware of the extent of their obligations. The moment from which it is forbidden to communicate with the blockaded place must be exactly known. It is important, as affecting the obligations both of the blockading Power and of neutrals, that there should be no uncertainty as to the places really blockaded. Finally, the custom has long been established of allowing neutral vessels which are in the blockaded port to leave it. This custom is here confirmed, in the sense that the blockading Power *must allow* a period within which vessels may leave; the length of this period is not fixed, because it clearly depends on very varying circumstances, but it is understood that the period should be *reasonable.*

Article 10.

If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with Article 9 (1) *and* (2), *must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.*

The object of this article is to insure the observance of Article 9. Supposing the declaration of blockade contains statements which do not tally with the actual facts; it states that the blockade began, or will begin, on such a day, whereas, in fact, it only began several days later. Its geographical limits are inaccurately given; they are wider than those within which the blockading forces are operating. What shall be the sanction? The nullity of the declaration of blockade, which prevents it from being operative. If then, in such a case, a neutral vessel is captured for breach of blockade, she can refer to the nullity of the declaration of blockade as a plea for the nullity of the capture: if her plea is rejected by the national tribunal, she can appeal to the International Court.

To avoid misunderstandings, the significance of this provision must be noticed. The declaration states that the blockade begins on the 1st February, it really only begins on the 8th. It is needless to say that the declaration had no effect from the 1st to the 8th, because at that time there was no blockade at all; the declaration states a fact, but does not take the place of one. The rule goes further: the declaration shall not even be operative from the 8th onwards; it is definitely void, and another must be made.

There is no question here of cases where Article 9 is disregarded by neglect to allow neutral vessels in the blockaded port time to leave it. The sanction could not be the same. There is no reason to annul the declaration as regards neutral vessels wishing to enter the blockaded port. A special sanction is needed in that case, and it is provided by Article 16, paragraph 2.

Article 11.

A declaration of blockade is notified—

(1.) *To neutral Powers, by the blockading Power by means of a communication addressed to the Governments direct, or to their representatives accredited to it;*

(2.) *To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.*

A declaration of blockade is not valid unless notified. The observance of a rule can only be required by those who have the opportunity of knowing it.

Two notifications must be made:—

1. The first is addressed to neutral Powers by the belligerent Power, which communicates it to the Governments themselves or to their representatives accredited to it. The communication to the Governments will in most cases be made through the diplomatic agents; it might happen that a belligerent had no diplomatic relations with a neutral country; he will then address himself, ordinarily by telegraph, directly to the Government of that country. It is the duty of the neutral Governments advised of the declaration of blockade to take the necessary measures to dispatch the news to the different parts of their territory, especially their ports.
2. The second notification is made by the commander of the blockading force to the local authorities. These must inform, as soon as possible, the foreign Consuls residing at the blockaded place or on the blockaded coastline. Those authorities would be responsible for the neglect of this obligation. Neutrals might suffer loss from the fact of not having been informed of the blockade in sufficient time.

Article 12.

The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

Supposing a blockade is extended beyond its original limits: as regards the new part, it is a new blockade, and, in consequence, the rules as to declaration and notification must be applied to it. The same is true in cases where a blockade is re-established after having been raised; the fact that a blockade has already existed in the same locality must not be taken into account.

Article 13.

The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article 11.

If it is indispensable to know of the establishment of a blockade, it would at least be useful for the public to be told of its raising, since it puts an end to the restrictions imposed on the relations of neutrals with the blockaded port. It has therefore been thought fit to ask the Power which raises a blockade to make known the fact in the form in which it has notified the establishment of the blockade (Article 11). Only it must be observed that the sanction could not be the same in the two cases. To ensure the notification of the declaration of blockade there is a direct and adequate sanction: an unnotified blockade is not binding. In the case of the raising there can be no parallel to this. The public will really gain by the raising, even without being told of it officially. The blockading Power which did not notify the raising would expose itself to diplomatic remonstrances on the ground of the non-fulfilment of an international duty. This non-fulfilment will have more or less serious consequences, according to circumstances. Sometimes the raising of the blockade will really have become known at once, and official notification would add nothing to this effective publicity.

It is needless to add that only the *voluntary* raising of a blockade is here in question; if the blockading force has been driven off by the arrival of enemy forces, it cannot be held bound to make known its defeat, which its adversary will undertake to do without delay. Instead of raising a blockade, a belligerent may confine himself to restricting it; he only blockades one port instead of two. As regards the port which ceases to be included in the blockade, it is a case of voluntary raising, and consequently the same rule applies.

Article 14.

The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

For a vessel to be liable to capture for breach of blockade, the first condition is that she must be aware of the blockade, because it is not just to punish some one for breaking a rule which he does not know. Nevertheless, there are circumstances in which, even in the absence of proof of actual knowledge, knowledge may be presumed, the right of rebutting this presumption being always reserved to the party concerned (Article 15).

Article 15.

Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

A vessel has left a neutral port subsequently to the notification of the blockade made to the Powers to which the port belongs. Was this notification made in sufficient time, that is to say, so as to reach the port in question, where it had to be published by the port authorities? That is a question of fact to be examined. If it is settled affirmatively, it is natural to suppose that the vessel was aware of the blockade at the time of her departure. This presumption is not however absolute, and the right to adduce proof to the contrary is reserved. It is for the incriminated vessel to furnish it, by showing that circumstances existed which explain her ignorance.

Article 16.

If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be *made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.*

If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

A vessel is supposed to be approaching a blockaded port without its being possible to tell whether she knows or is presumed to know of the existence of the blockade; no notification in the sense of Article 11 has reached her. In that case a special notification is necessary in order that the vessel may be duly informed of the fact of the blockade. This notification is made to the vessel herself by an officer of one of the warships of the blockading force, and is entered on the vessel's logbook. It may be made to the vessels of a convoyed fleet by a neutral warship through the commander of the convoy, who acknowledges receipt of it and takes the necessary measures to have the notification entered on the logbook of each vessel. The entry notes the time and place where it is made, and the names of the blockaded places. The vessel is prevented from passing, and the blockade is thus made *binding* for her, though not *previously* notified; this adverb is therefore omitted in Article 8. It cannot be admitted that a merchant vessel should claim to disregard a real blockade, and to break it for the sole reason that she was not personally aware of it. But, though she may be prevented from passing, she may only be captured when she tries to break blockade after receiving the notification. This special notification is seen to play a very small part, and must not be confused with the special notification absolutely insisted on by the practice of certain navies.

What has just been said refers to the vessel coming in. The vessel leaving the blockaded port must also be considered. If a regular notification of the blockade has been made to the local authorities (Article 11 (2)), the position is simple: the vessel is, or is presumed to be, aware of the blockade, and is therefore liable to capture in case she has not kept to the period for leaving allowed by the blockading Power. But it may happen that no declaration of blockade has been notified to the local authorities, or that that declaration has contained no mention of the period allowed for leaving, in spite of the rule prescribed by Article 9 (3). The sanction of the blockading Power's offence is that the vessel must be allowed to go free. It is a strong sanction, which corresponds exactly with the nature of the offence committed, and will be the best means of preventing its commission.

It is needless to say that this provision only concerns vessels to which the period allowed for leaving would have been of use—that is to say, neutral vessels which were in the port at the time when the blockade was established; it has nothing to do with vessels which are in the port after having broken blockade.

The commander of the blockading squadron may always repair his omission or mistake, make a notification of the blockade to the local authorities, or complete that which he has already made.

As is seen from these explanations, the most ordinary case is assumed—that in which the absence of notification implies negligence on the part of the commander of the blockading forces. The situation is clearly altogether changed if the commander has done all in his power to make the notification, but has been prevented from doing so by lack of good-will on the part of the local authorities, who have intercepted all communications from outside. In that case he cannot be forced to let pass vessels which wish to leave, and which, in the absence of the prescribed notification and of presumptive knowledge of the blockade, are in a position similar to that contemplated in Article 16, paragraph 1.

Article 17.

Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.

The other condition of the liability of a vessel to capture is that she should be found within the area of operations of the warships detailed to make the blockade effective; it is not enough that she should be on her way to the blockaded port.

As for what constitutes the *area of operations*, an explanation has been given which has been universally accepted, and is quoted here as furnishing the best commentary on the rule laid down by Article 17:—

> "When a Government decides to undertake blockading operations against some part of the enemy coast it details a certain number of warships to take part in the blockade, and intrusts the command to an officer whose duty is to use them for the purpose of making the blockade effective. The commander of the naval force thus formed posts the ships at his disposal according to the line of the coast and the geographical position of the blockaded places, and instructs each ship as to the part which she has to play, and especially as to the zone which she is to watch. All the zones watched taken together, and so organized as to make the blockade effective, form the area of operations of the blockading naval force.
>
> "The area of operations so constituted is intimately connected with the effectiveness of the blockade, and also with the number of ships employed on it.
>
> "Cases may occur in which a single ship will be enough to keep a blockade effective,—for instance, at the entrance of a port, or at the mouth of a river with a small estuary, so long as circumstances allow the blockading ship to stay near enough to the entrance. In that case the area of operations is itself near the coast. But, on the other hand, if circumstances force her to remain far off, one ship may not be enough to secure effectiveness, and to maintain this she will then have to

be supported by others. From this cause the area of operations becomes wider, and extends further from the coast. It may therefore vary with circumstances, and with the number of blockading ships, but it will always be limited by the condition that effectiveness must be assured.

"It does not seem possible to fix the limits of the area of operations in definite figures, any more than to fix beforehand and definitely the number of ships necessary to assure the effectiveness of any blockade. These points must be settled according to circumstances in each particular case of a blockade. This might perhaps be done at the time of making the declaration.

"It is clear that a blockade will not be established in the same way on a defenceless coast as on one possessing all modern means of defence. In the latter case there could be no question of enforcing a rule such as that which formerly required that ships should be stationary and sufficiently close to the blockaded places; the position would be too dangerous for the ships of the blockading force which, besides, now possess more powerful means of watching effectively a much wider zone than formerly.

"The area of operations of a blockading naval force may be rather wide, but as it depends on the number of ships contributing to the effectiveness of the blockade, and is always limited by the condition that it should be effective, it will never reach distant seas where merchant vessels sail which are, perhaps, making for the blockaded ports, but whose destination is contingent on the changes which circumstances may produce in the blockade during their voyage. To sum up, the idea of the area of operations joined with that of effectiveness, as we have tried to define it, that is to say, including the zone of operations of the blockading forces, allows the belligerent effectively to exercise the right of blockade which he admittedly possesses and, on the other hand, saves neutrals from exposure to the drawbacks of blockade at a great distance, while it leaves them free to run the risk which they knowingly incur by approaching points to which access is forbidden by the belligerent."

Article 18.

The blockading forces must not bar access to neutral ports or coasts.

This rule has been thought necessary the better to protect the commercial interests of neutral countries; it completes Article 1, according to which a blockade must not extend beyond the ports and coasts of the enemy, which implies that, as it is an operation of war, it must not be directed against a neutral port, in spite of the importance to a belligerent of the part played by that neutral port in supplying his adversary.

Article 19.

Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

It is the true destination of the vessel which must be considered when a breach of blockade is in question, and not the ulterior destination of the cargo. Proof or presumption of the latter is therefore not enough to justify the capture, for breach of blockade, of a ship actually bound for an unblockaded port. But the cruiser might always prove that this destination to an unblockaded port is only apparent, and that in reality the immediate destination of the vessel is the blockaded port.

Article 20.

A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.

A vessel has left the blockaded port or tried to enter it. Shall she remain indefinitely liable to capture? To reply by an absolute affirmative would be to go too far. This vessel must remain liable to capture so long as she is pursued by a ship of the blockading force; it would not be enough for her to be encountered by a cruiser of the blockading enemy which did not belong to the blockading squadron. The question whether or not the pursuit is abandoned is one of fact; it is not enough that the vessel should take refuge in a neutral port. The ship which is pursuing her can wait till she leaves it, so that the pursuit is necessarily suspended, but not abandoned. Capture is no longer possible when the blockade has been raised.

Article 21.

A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.

The vessel is condemned in all cases. The cargo is also condemned on principle, but the interested party is allowed to oppose a plea of good faith, that is to say, to prove that, when the goods were shipped, the shipper did not know and could not have known of the intention to break the blockade.

Chapter II.

CONTRABAND OF WAR.

This chapter is one of the most, if not the most, important of the Declaration. It deals with a matter which has sometimes given rise to serious disputes between belligerents and neutrals. Therefore regulations to establish exactly the rights and duties of each have often been urgently called for. Peaceful trade may be grateful for the precision with which a subject of the highest importance to its interests is now for the first time treated.

The notion of contraband of war connotes two elements: it concerns objects of a certain kind and with a certain destination. Cannons, for instance, are carried in a neutral vessel. Are they contraband? That depends: if they are destined for a neutral Government,—no; if they are destined for an enemy Government,—yes. The trade in certain articles is by no means generally forbidden during war; it is the trade with the enemy in these articles which is illicit, and against which the belligerent to whose detriment it is carried on may protect himself by the measures allowed by international law.

Articles 22 and 24 enumerate the articles which may be contraband of war, and which are so in fact when they have a certain destination laid down in Articles 30 and 33. The traditional distinction between *absolute* and *conditional* contraband is maintained: Articles 22 and 30 refer to the former, and Articles 24 and 33 to the latter.

Article 22.

The following articles may, without notice,(**a**) *be treated as contraband of war, under the name of absolute contraband:—*

(1.) *Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.*
(2.) *Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.*
(3.) *Powder and explosives specially prepared for use in war.*
(4.) *Gun-mountings, limber-boxes, limbers, military waggons, field forges and their distinctive component parts.*
(5.) *Clothing and equipment of a distinctively military character.*
(6.) *All kinds of harness of a distinctively military character.*
(7.) *Saddle, draught, and pack animals suitable for use in war.*
(8.) *Articles of camp equipment, and their distinctive component parts.*
(9.) *Armour plates*
(10.) *Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.*
(11.) *Implements and apparatus designed exclusively for the manufacture of munitions of war for the manufacture or repair of arms, or war material for use on land or sea.*

(**a**) In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman of the present General Report.

This list is that drawn up at the second Peace Conference by the committee charged with the special study of the question of contraband. It was the result of mutual concessions, and it has not seemed wise to reopen discussion on this subject for the purpose either of cutting out or of adding articles.

The words *de plein droit* (without notice) imply that the provision becomes operative by the mere fact of the war, and that no declaration by the belligerents is necessary. Trade is already warned in time of peace.

Article 23.

Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.

Certain discoveries or inventions might make the list in Article 22 insufficient. An addition may be made to it on condition that it concerns articles *exclusively used for war.* This addition must be notified to the other Powers, which will take the necessary measures to inform their subjects of it. In theory the notification may be made in time of peace or of war. The former case will doubtless rarely occur because a State which made such a notification might be suspected of meditating a war; it would, nevertheless, have the advantage of informing trade beforehand. There was no reason for making it impossible.

The right given to a Power to make an addition to the list by a mere declaration has been thought too wide. It should be noticed that this right does not involve the dangers supposed. In the first place it is understood that the declaration is only operative for the Power which makes it, in the sense that the article added will only be contraband for it, as a belligerent; other States may, of course, also make a similar declaration. The addition may only refer to articles *exclusively used for war;* at present, it would be hard to mention any such articles which are not included in the list. The future is left free. If a Power claimed to add to the list of absolute contraband articles not exclusively used for war, it might expose itself to diplomatic remonstrances, because it would be disregarding an accepted rule. Besides, there would be an eventual resort to the International Prize Court. Suppose that the Court holds that the article mentioned in the declaration of absolute contraband is wrongly placed there because it is not exclusively used for war, but that it might have been included in a declaration of conditional contraband. Confiscation may then be justified if the capture was made in the conditions laid down for this kind of contraband (Articles 33-35) which differ from those enforced for absolute contraband (Article 30).

It had been suggested that, in the interest of neutral trade, a period should elapse between the notification and its enforcement. But that would be very damaging to the belligerent, whose object is precisely to protect himself, since, during that period the trade in articles which he thinks dangerous would be free and the effect of his measure a failure. Account has been taken, in another form, of the considerations of equity which have been adduced (see Article 43).

Article 24.

The following articles, susceptible of use in war as well as for purposes of peace, may, without notice,(**a**) *be treated as contraband of war, under the name of conditional contraband:—*

(1.) *Foodstuffs.*
(2.) *Forage and grain, suitable for feeding animals.*
(3.) *Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.*
(4.) *Gold and silver in coin or bullion; paper money.*
(5.) *Vehicles of all kinds available for use in war, and their component parts.*
(6.) *Vessels, craft, and boats of all kinds; floating docks, parts of docks and their component parts.*
(7.) *Railway material, both fixed and rolling stock, and material for telegraphs, wireless telegraphs, and telephones.*
(8.) *Balloons and flying machines and their distinctive component parts; together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.*
(9.) *Fuel; lubricants.*
(10.) *Powder and explosives not specially prepared for use in war.*
(11.) *Barbed wire and implements for fixing and cutting the same.*
(12.) *Horseshoes and shoeing materials.*
(13.) *Harness and saddlery.*
(14.) *Field glasses, telescopes, chronometers, and all kinds of nautical instruments.*

On the expression *de plein droit* (without notice) the same remark must be made as with regard to Article 22. The articles enumerated are only conditional contraband if they have the destination specified in Article 33.

Foodstuffs include products necessary or useful for sustaining man, whether solid or liquid.

Paper money only includes inconvertible paper money, *i.e.*, banknotes which may or not be legal tender. Bills of exchange and cheques are excluded.

Engines and boilers are included in (6).

Railway material includes fixtures (such as rails, sleepers, turntables, parts of bridges), and rolling stock (such as locomotives, carriages, and trucks).

(**a**) In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman of the present General Report.

Article 25.

Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

This provision corresponds, as regards conditional contraband, to that in Article 23 as regards absolute contraband.

Article 26.

If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

A belligerent may not wish to use the right to treat as contraband of war all the articles included in the above lists. It may suit him to add to conditional contraband an article included in absolute contraband or to declare free, so far as he is concerned, the trade in some article included in one class or the other. It is desirable that he should make known his intention on this subject, and he will probably do so in order to have the credit of the measure. If he does not do so, but confines himself to giving instructions to his cruisers, the vessels searched will be agreeably surprised if the searcher does not reproach them with carrying what they themselves consider contraband. Nothing can prevent a Power from making such a declaration in time of peace. See what is said as regards Article 23.

Article 27.

Articles which are not susceptible of use in war may not be declared contraband of war.

The existence of a so-called *free* list (Article 28) makes it useful thus to put on record that articles which cannot be used for purposes of war may not be declared contraband of war. It might have been thought that articles not included in that list might at least be declared conditional contraband.

Article 28.

The following may not be declared contraband of war:—

(1.) *Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.*
(2.) *Oil seeds and nuts; copra.*
(3.) *Rubber, resins, gums, and lacs; hops.*
(4.) *Raw hides and horns, bones, and ivory.*
(5.) *Natural and artificial manures, including nitrates and phosphates for agricultural purposes.*
(6.) *Metallic ores.*

(7.) *Earths, clays, lime, chalk, stone, including marble, bricks, slates and tiles.*
(8.) *Chinaware and glass.*
(9.) *Paper and paper-making materials.*
(10.) *Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.*
(11.) *Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.*
(12.) *Agricultural, mining, textile, and printing machinery.*
(13.) *Precious and semi-precious stones, pearls, mother-of-pearl, and coral.*
(14.) *Clocks and watches, other than chronometers.*
(15.) *Fashion and fancy goods.*
(16.) *Feathers of all kinds, hairs, and bristles.*
(17.) *Articles of household furniture and decoration; office furniture and requisites.*

To lessen the drawbacks of war as regards neutral trade it has been thought useful to draw up this so-called *free list*, but this does not mean, as has been explained above, that all articles outside it might be declared contraband of war.

The *ores* here referred to are the product of mines from which metals are derived.

There was a demand that *dyestuffs* should be included in (10), but this seemed too general, for there are materials from which colours are derived, such as coal, which also have other uses. Products only used for making colours enjoy the exemption.

"Articles de Paris," an expression the meaning of which is universally understood, come under (15).

(16) refers to the hair of certain animals, such as pigs and wild boars.

Carpets and mats come under household furniture and ornaments (17).

Article 29.

Likewise the following may not be treated as contraband of war:—

(1.) *Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity, and, subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 30.*
(2.) *Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.*

The articles enumerated in Article 29 are also excluded from treatment as contraband, but for reasons different from those which have led to the inclusion of the list in Article 28.

Motives of humanity have exempted articles exclusively used to aid the sick and wounded, which, of course, include drugs and different medicines. This does not refer to hospital-ships, which enjoy special immunity under the convention of The Hague of the 18th October, 1907, but to ordinary merchant vessels, whose cargo includes articles of the kind mentioned. The cruiser has, however, the right, in case of urgent necessity, to requisition such articles for the needs of her crew or of the fleet to which she belongs, but they can only be requisitioned on payment of compensation. It must, however, be observed that this right of requisition may not be exercised in all cases. The articles in question must have the destination specified in Article 30, that is to say, an enemy destination. Otherwise, the ordinary law regains its sway; a belligerent could not have the right of requisition as regards neutral vessels on the high seas.

Articles intended for the use of the vessel, which might in themselves and by their nature be contraband of war, may not be so treated,—for instance, arms intended for the defence of the vessel against pirates, or for making signals. The same is true of articles intended for the use of the crew and passengers during the voyage; the crew here includes all persons in the service of the vessel in general.

Destination of Contraband.—As has been said, the second element in the notion of contraband is *destination*. Great difficulties have arisen on this subject, which find expression in the *theory of continuous voyage*, so often attacked or adduced without a clear comprehension of its exact meaning. Cases must simply be considered on their merits so as to see how they can be settled without unnecessarily annoying neutrals or sacrificing the legitimate rights of belligerents.

In order to effect a compromise between conflicting theories and practices, absolute and conditional contraband have been differently treated in this connection.

Article 30 to 32 refer to absolute, and Articles 33 to 36 to conditional contraband.

Article 30.

Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transhipment or a subsequent transport by land.

The articles included in the list in Article 22 are absolute contraband when they are destined for territory belonging to or occupied by the enemy, or for his armed military or naval forces. These articles are liable to capture as soon as a final destination of this kind can be shown by the captor to exist. It is not, therefore, the destination of the vessel which is decisive, but that of the goods. It makes no difference if these goods are on board a vessel which is to discharge them in a neutral port; as soon as the captor is able to show that they are to be forwarded from there by land or sea to an enemy country, it is enough to justify the capture and subsequent condemnation of the cargo. The very principle of continuous voyage, as regards absolute contraband, is established by Article 30. The journey made by the goods is regarded as a whole.

Article 31.

Proof of the destination specified in Article 30 is complete in the following cases:—

(1.) *When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.*

(2.) *When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.*

As has been said, the obligation of proving that the contraband goods really have the destination specified in Article 30 rests with the captor. In certain cases proof of the destination specified in Article 31 is *conclusive*, that is to say, the proof may not be rebutted.

First Case.—The goods are *documented* for discharge in an enemy port, that is to say, according to the ship's papers referring to those goods, they are to be discharged there. In this case there is a real admission of enemy destination on the part of the interested parties themselves.

Second Case.—The vessel is to touch at enemy ports only; or she is to touch at an enemy port before reaching the neutral port for which the goods are documented, so that although these goods, according to the papers referring to them, are to be discharged in a neutral port, the vessel carrying them is to touch at an enemy port before reaching that neutral port. They will be liable to capture, and the possibility of proving that their neutral destination is real and in accordance with the intentions of the parties interested is not admitted. The fact that, before reaching that destination, the vessel will touch at an enemy port, would occasion too great a risk for the belligerent whose cruiser searches the vessel. Even without assuming that there is intentional fraud, there might be a strong temptation for the master of the merchant vessel to discharge the contraband, for which he would get a good price, and for the local authorities to requisition the goods.

The same case arises where the vessel, before reaching the neutral port, is to join the armed forces of the enemy.

For the sake of simplicity, the provision only speaks of an *enemy port*, but it is understood that a *port occupied by the enemy* must be regarded as an enemy port, as follows from the general rule in Article 30.

Article 32.

Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

The papers, therefore, are conclusive proof of the course of the vessel unless she is encountered in circumstances which show that their statements are not to be trusted. See also the explanations given as regards Article 35.

Article 33.

Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).

The rules for conditional contraband differ from those laid down for absolute contraband in two respects: (1) there is no question of destination for the enemy in general, but of destination for the use of his armed forces or government departments; (2) the doctrine of continuous voyage is excluded. Articles 33 and 34 refer to the first, and Article 35 to the second principle.

The articles included in the list of conditional contraband may serve for peaceful uses as well as for hostile purposes. If, from the circumstances, the peaceful purpose is clear, their capture is not justified; it is otherwise if a hostile purpose is to be assumed, as, for instance, in the case of foodstuffs destined for an enemy army or fleet, or of coal destined for an enemy fleet. In such a case there is clearly no room for doubt. But what is the solution when the articles are destined for the civil government departments of the enemy State? It may be money sent to a government department, for use in the payment of its official salaries, or rails sent to a department of public works. In these cases there is *enemy destination* which renders the goods liable in the first place to capture, and in the second to condemnation. The reasons for this are at once legal and practical. The State is one, although it necessarily acts through different departments. If a civil department may freely receive foodstuffs or money, that department is not the only gainer, but the entire State, including its military administration, gains also, since the general resources of the State are thereby increased. Further, the receipts of a civil department may be considered of greater use to the military administration and directly assigned to the latter. Money or foodstuffs really destined for a civil department may thus come to be used directly for the needs of the army. This possibility, which is always present, shows why destination for the departments of the enemy State is assimilated to that for its armed forces.

It is the *departments of the State* which are dependent on the central power that are in question, and not all the departments which may exist in the enemy State; local and municipal bodies, for instance, are not included, and articles destined for their use would not be contraband.

War may be waged in such circumstances that destination for the use of a civil department cannot be suspect, and consequently cannot make goods contraband. For instance, there is a war in Europe, and the colonies of the belligerent countries are not, in fact, affected by it. Foodstuffs or other articles in the list of conditional contraband destined for the use of the civil government of a colony would not be held to be contraband of war, because the considerations adduced above do not apply to their case; the resources of the civil government cannot be drawn on for the needs of the war. Gold, silver, or paper money are exceptions, because a sum of money can easily be sent from one end of the world to the other.

Article 34.

The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country, who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

Contraband articles will not usually be directly addressed to the military authorities or to the government departments of the enemy State. Their true destination will be more or less concealed, and the captor must prove it in order to justify their capture. But it has been thought reasonable to set up presumptions based on the nature of the person to whom, or place for which, the articles are destined. It may be an enemy authority or a trader established in an enemy country who, as a matter of common knowledge, supplies the enemy Government with articles of the kind in question. It may be a fortified place belonging to the enemy or a place used as a base, whether of operations or of supply, for the armed forces of the enemy.

This general presumption may not be applied to the merchant vessel herself on her way to a fortified place, though she may in herself be conditional contraband, but only if her destination for the use of the armed forces or government departments of the enemy State is directly proved.

In the absence of the above presumptions, the destination is presumed to be innocent. That is the ordinary law, according to which the captor must prove the illicit character of the goods which he claims to capture.

Finally, all the presumptions thus set up in the interest of the captor or against him may be rebutted. The national tribunals, in the first place, and, in the second, the International Court, will exercise their judgment.

Article 35.

Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge *of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.*

As has been said above, the doctrine of continuous voyage is excluded for conditional contraband, which is only liable to capture when it is to be discharged in an enemy port. As soon as the goods are documented for discharge in a neutral port they can no longer be contraband, and no examination will be made as to whether they are to be forwarded to the enemy by sea or land from that neutral port. It is here that the case of absolute contraband is essentially different.

The ship's papers furnish complete proof as to the voyage on which the vessel is engaged and as to the place where the cargo is to be discharged; but this would not be so if the vessel were encountered clearly out of the course which she should follow according to her papers, and unable to give adequate reasons to justify such deviation.

This rule as to the proof furnished by the ship's papers is intended to prevent claims frivolously raised by a cruiser and giving rise to unjustifiable captures. It must not be too literally interpreted, for that would make all frauds easy. Thus it does not hold good when the vessel is encountered at sea clearly out of the course which she ought to have followed, and unable to justify such deviation. The ship's papers are then in contradiction with the true facts and lose all value as evidence; the cruiser will be free to decide according to the merits of the case. In the same way, a search of the vessel may reveal facts which irrefutably prove that her destination or the place where the goods are to be discharged is incorrectly entered in the ship's papers. The commander of the cruiser is then free to judge of the circumstances and capture the vessel or not according to his judgment. To resume, the ship's papers are proof, unless facts show their evidence to be false. This qualification of the value of the ship's papers as proof seems self-evident and unworthy of special mention. The aim has been not to appear to weaken the force of the general rule, which forms a safeguard for neutral trade.

It does not follow that, because a single entry in the ship's papers is shown to be false, their evidence loses its value as a whole. The entries which cannot be proved false retain their value.

Article 36.

Notwithstanding the provisions of Article 35, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.

The case contemplated is certainly rare, but has nevertheless arisen in recent wars. In the case of absolute contraband, there is no difficulty, since destination for the enemy may always be proved, whatever the route by which the goods are sent (Article 30). For conditional contraband the case is different, and an exception must be made to the general rule laid down in Article

35, paragraph 1, so as to allow the captor to prove that the suspected goods really have the special destination referred to in Article 33 without the possibility of being confronted by the objection that they were to be discharged in a neutral port.

Article 37.

A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

The vessel may be captured for contraband during the whole of her voyage, provided that she is in waters where an act of war is lawful. The fact that she intends to touch at a port of call before reaching the enemy destination does not prevent capture, provided that destination in her particular case is proved in conformity with the rules laid down in Articles 30 to 32 for absolute, and in Articles 33 to 35 for conditional contraband, subject to the exception provided for in Article 36.

Article 38.

A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

A vessel is liable to capture for carrying contraband, but not for having done so.

Article 39.

Contraband goods are liable to condemnation.

This presents no difficulty.

Article 40.

A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

It was universally admitted that in certain cases the condemnation of the contraband is not enough, and that the vessel herself should also be condemned, but opinions differed as to what these cases were. It was decided that the contraband must bear a certain proportion to the total cargo. But the question divides itself into two parts: (1) What shall be the proportion? The solution adopted is the mean between those proposed, which varied from a quarter to three-quarters. (2) How shall this proportion be reckoned? Must the contraband form more than half the cargo in volume, weight, value, or freight? The adoption of a single fixed standard gives rise to theoretical objections, and also to practices intended to avoid condemnation of the vessel in spite of the importance of the cargo. If the standard of volume or weight is adopted, the master will ship innocent goods occupying space, or of weight, sufficient to exceed the contraband. A similar remark may be made as regards the standard of value or freight. The consequence is that, in order to justify condemnation, it is enough that the contraband should form more than half the cargo by any one of the above standards. This may seem harsh; but, on the one hand, any other system would make fraudulent calculations easy, and, on the other, the condemnation of the vessel may be said to be justified when the carriage of contraband formed an important part of her venture—a statement which applies to all the cases specified.

Article 41.

If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

It is not just that, on the one hand, the carriage of more than a certain proportion of contraband should involve the condemnation of the vessel, while if the contraband forms less than this proportion, it alone is confiscated. This often involves no loss for the master, the freight of this contraband having been paid in advance. Does this not encourage trade in contraband, and ought not a certain penalty to be imposed for the carriage of a proportion of contraband less than that required to entail condemnation? A kind of fine was proposed which should bear a relation to the value of the contraband articles. Objections of various sorts were brought forward against this proposal, although the principle of the infliction of some kind of pecuniary loss for the carriage of contraband seemed justified. The same object was attained in another way by providing that the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and of the custody of the vessel and of her cargo during the proceedings are to be paid by the vessel. The expenses of the custody of the vessel include in this case the keep of the captured vessel's crew. It should be added that the loss to a vessel by being taken to a prize port and kept there is the most serious deterrent as regards the carriage of contraband.

Article 42.

Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

The owner of the contraband is punished in the first place by the condemnation of his contraband property; and in the second by that of the goods, even if innocent, which he may possess on board the same vessel.

Article 43.

If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and *expenses referred to in Article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.*

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities, or of the declaration of contraband, provided such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

This provision is intended to spare neutrals who might in fact be carrying contraband, but against whom no charge could be made. This may arise in two cases. The first is that in which they are unaware of the outbreak of hostilities; the second is that in which, though aware of this, they do not know of the declaration of contraband made by a belligerent, in accordance with Articles 23 and 25, which is, as it happens, the one applicable to the whole or a part of the cargo. It would be unjust to capture the ship and condemn the contraband; on the other hand, the cruiser cannot be obliged to let go on to the enemy goods suitable for use in the war of which he may stand in urgent need. These opposing interests are reconciled by making condemnation conditional on the payment of compensation (see the convention of the 18th October, 1907, on the rules for enemy merchant vessels on the outbreak of hostilities, which expresses a similar idea).

Article 44.

A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

A neutral vessel is stopped for carrying contraband. She is not liable to condemnation, because the contraband does not reach the proportion specified in Article 40. She can, nevertheless, be taken to a prize port for judgment to be passed on the contraband. This right of the captor appears too wide in certain cases, if the importance of the contraband, possibly slight (for instance, a case of guns or revolvers), is compared with the heavy loss incurred by the vessel by being thus turned out of her course and detained during the time taken up by the proceedings. The question has, therefore, been asked whether the right of the neutral vessel to continue her voyage might not be admitted if the contraband articles were handed over to the captor, who, on his part, might only refuse to receive them for sufficient reasons, for instance, the rough state of the sea, which would make transhipment difficult or impossible, well-founded suspicions as to the amount of contraband which the merchant vessel is really carrying, the difficulty of stowing the articles on board the warship, &c. This proposal did not gain sufficient support. It was alleged to be impossible to impose such an obligation on the cruiser, for which this handing over of goods would almost always have drawbacks. If, by chance, it has none, the cruiser will not refuse it, because she herself will gain by not being turned out of her course by having to take the vessel to a port. The idea of an obligation having thus been excluded, it was decided to provide for the voluntary handing over of the contraband, which, it is hoped, will be carried out whenever possible, to the great advantage of both parties. The formalities provided for are very simple and need no explanation.

There must be a judgment of a prize court as regards the goods thus handed over. For this purpose the captor must be furnished with the necessary papers. It may be supposed that there might be doubt as to the character of certain articles which the cruiser claims as contraband; the master of the merchant vessel contests this claim, but prefers to deliver them up so as to be at liberty to continue his voyage. This is merely a capture which has to be confirmed by the prize court.

The contraband delivered up by the merchant vessel may hamper the cruiser, which must be left free to destroy it at the moment of handing over or later.

Chapter III.

UNNEUTRAL SERVICE.

In a general way, it may be said that the merchant vessel which violates neutrality, whether by carrying contraband of war or by breaking blockade, affords aid to the enemy, and it is on this ground that the belligerent whom she injures by her acts is justified in inflicting on her certain losses. But there are cases where such unneutral service bears a particularly distinctive character, and for such cases it has been thought necessary to make special provision. They have been divided into two classes, according to the gravity of the act of which the neutral vessel is accused.

In the cases included in the first class (Article 45), the vessel is condemned, and receives the treatment of a vessel subject to condemnation for carrying contraband. This means that the vessel does not lose her neutral character and has a full claim to the rights enjoyed by neutral vessels; for instance, she may not be destroyed by the captor except under the conditions laid down for neutral vessels (Articles 48 *et seqq.*); the rule that *the flag covers the goods* applies to goods she carries on board.

In the more serious cases which belong to the second class (Article 46), the vessel is, again, condemned; but further, she is treated not only as a vessel subject to condemnation for carrying contraband, but as an enemy merchant vessel, which treatment entails certain consequences. The rules governing the destruction of neutral prizes does not apply to the vessel, and, as she has become an enemy vessel, it is no longer the second but the third rule of the Declaration of Paris which is applicable. The goods on board will be presumed to be enemy goods; neutrals will have the right to claim their property on establishing their neutrality (Article 59). It would, however, be going too far to say that the original neutral character of the vessel is completely lost, so that she should be treated as though she had always been an enemy vessel. The vessel may plead that the allegation made against her has no foundation in fact, that the act of which she is accused has not the character of unneutral service. She has, therefore, the right of appeal to the International Court in virtue of the provisions which protect neutral property.

Article 45.

A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband:—

(1.) *If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.*

(2.) *If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.*

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present Article do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the Power to which such port belongs, provided that such notification was made in sufficient time.

The first case supposes passengers travelling *as individuals;* the case of a *military detachment* is dealt with hereafter. The case is that of individuals *embodied* in the armed military or naval forces of the enemy. There was some doubt as to the meaning of this word. Does it include those individuals only who are summoned to serve in virtue of the law of their country and who have really joined the corps to which they are to belong? Or does it also include such individuals from the moment when they are summoned, and before they join that corps? The question is of great practical importance. Supposing the case is one of individuals who are natives of a continental European country and are settled in America; these individuals have military obligations towards their country of origin; they have, for instance, to belong to the reserve of the active army of that country. Their country is at war and they sail to perform their service. Shall they be considered as *embodied* in the sense of the provision which we are discussing? If we judged by the municipal law of certain countries, we might argue that they should be so considered. But, apart from reasons of pure law, the contrary opinion has seemed more in accordance with practical necessity and has been accepted by all in a spirit of conciliation. It would be difficult, perhaps even impossible, without having recourse to vexatious measures to which neutral Governments would not unwillingly submit, to pick out among the passengers in a vessel, those who are bound to perform military service and are on their way to do so.

The transmission of intelligence in the interest of the enemy is to be treated in the same way as the carriage of passengers embodied in his armed force. The reference to a vessel *especially* undertaking a voyage is intended to show that her usual service is not meant. She has been turned from her course; she has touched at a port which she does not ordinarily visit in order to embark the passengers in question. She need not be *exclusively* devoted to the service of the enemy; that case would come into the second class (Article 56 (4)).

In the two cases just mentioned the vessel has performed but a single service; she has been employed to carry certain people, or to transmit certain intelligence; she is not continuously in the service of the enemy. In consequence she may be captured during the voyage on which she is performing the service which she has to render. Once that voyage is finished, all is over, in the sense that she may not be captured for having rendered the service in question. The principle is the same as that recognized in the case of contraband (Article 38).

The second case also falls under two heads.

There is, first, the carriage of a military detachment of the enemy, or that of one or more persons who during the voyage directly assist his operations, for instance, by signalling. If these people are soldiers or sailors in uniform there is no difficulty, the vessel is clearly liable to condemnation. If they are soldiers or sailors in mufti who might be mistaken for ordinary passengers, knowledge on the part of the master or owner is required, the charterer being assimilated to the latter. The rule is the same in the case of persons directly assisting the enemy during the voyage.

In these cases, if the vessel is condemned for unneutral service, the goods belonging to her owner are also liable to condemnation.

These provisions assume that the state of war was known to the vessel engaged in the operations specified; such knowledge is the reason and justification of her condemnation. The position is altogether different when the vessel is unaware of the outbreak of hostilities, so that she undertakes the service in ordinary circumstances. She may have learnt of the outbreak of hostilities while at sea, but have had no chance of landing the persons whom she was carrying. Condemnation would then be unjust, and the equitable rule adopted is in accordance with the provisions already accepted in other matters. If a vessel has left an enemy port subsequently to the outbreak of hostilities, or a neutral port after outbreak has been notified to the Power to whom such port belongs, her knowledge of the existence of a state of war will be presumed.

The question here is merely one of preventing the condemnation of the vessel. The persons found on board her who belong to the armed forces of the enemy may be made prisoners of war by the cruiser.

Article 46.

A neutral vessel is liable to condemnation and, in a general way, to the same treatment as would be applicable to her if she were an enemy merchant vessel:—

(1.) *If she takes a direct part in the hostilities.*
(2.) *If she is under the orders or control of an agent placed on board by the enemy Government.*
(3.) *If she is in the exclusive employment of the enemy Government.*
(4.) *If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.*

In the cases covered by the present Article, goods belonging to the owner of the vessel are likewise liable to condemnation.

The cases here contemplated are more serious than those in Article 45, which justifies the severer treatment inflicted on the vessel, as explained above.

First Case.—The vessel takes a direct part in the hostilities. This may take different forms. It is needless to say that, in an armed conflict, the vessel takes all the risks incidental thereto. We suppose her to have fallen into the power of the enemy whom she was fighting, and who is entitled to treat her as an enemy merchant vessel.

Second Case.—The vessel is under the orders or control of an agent placed on board by the enemy Government. His presence marks the relation in which she stands to the enemy. In other circumstances the vessel may also have relations with the enemy, but to be subject to condemnation she must come under the third head.

Third Case.—The whole vessel is chartered by the enemy Government, and is therefore entirely at its disposal; it can use her for different purposes more or less directly connected with the war, notably, as a transport; such is the position of colliers which accompany a belligerent fleet. There will often be a charter-party between the belligerent Government and the owner or master of the vessel, but all that is required is proof, and the fact that the whole vessel has in fact been chartered is enough, in whatever way it may be established.

Fourth Case.—The vessel is at the time exclusively devoted to the carriage of enemy troops or to the transmission of intelligence in the enemy's interest. The case is different from those dealt with by Article 45, and the question is one of a service to which the ship is permanently devoted. The decision accordingly is that, so long as such service lasts, the vessel is liable to capture, even if, at the moment when an enemy cruiser searches her, she is engaged neither in the transport of troops nor in the transmission of intelligence.

As in the cases in Article 45 and for the same reasons, goods found on board belonging to the owner of the vessel are also liable to condemnation.

It was proposed to treat as an enemy merchant vessel a neutral vessel making, at the time, and with the sanction of the enemy Government, a voyage which she has only been permitted to make subsequently to the outbreak of hostilities or during the two preceding months. This rule would be enforced notably on neutral merchant vessels admitted by a belligerent to a service reserved in time of peace to the national marine of that belligerent—for instance, to the coasting trade. Several Delegations formally rejected this proposal, so that the question thus raised remains an open one.

Article 47.

Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel may be made a prisoner of war, even though there be no ground for the capture of the vessel.

Individuals embodied in the armed military or naval forces of a belligerent may be on board a neutral merchant vessel when she is searched. If the vessel is subject to condemnation, the cruiser will capture her and take her to one of her own ports with the persons on board. Clearly the soldiers or sailors of the enemy State will not be set free, but will be treated as prisoners of war. Perhaps the case will not be one for the capture of the ship—for instance, because the master was unaware of the status of an individual who had come on board as an ordinary passenger. Must the soldier or soldiers on board the vessel be set free? That does not appear admissible. The belligerent cruiser cannot be compelled to set free active enemies who are physically in her power and are more dangerous than this or that contraband article. She must naturally proceed with great discretion, and must act on her own responsibility in requiring the surrender of these individuals, but the right to do so is hers; it has therefore been thought necessary to explain the point.

Chapter IV.

DESTRUCTION OF NEUTRAL PRIZES.

The destruction of neutral prizes was a subject comprised in the programme of the second Peace Conference, and on that occasion no settlement was reached. It reappeared in the programme of the present Conference, and this time agreement has been found possible. Such a result, which bears witness to the sincere desire of all parties to arrive at an understanding, is a matter for congratulation. It has been shown once more that conflicting hard-and-fast rules do not always correspond to things as they are, and that if there be readiness to descend to particulars, and to arrive at the precise way in which the rules have been applied, it will often be found that the actual practice is very much the same, although the doctrines professed appear to be entirely in conflict. To enable two parties to agree, it is first of all necessary that they should understand each other, and this frequently is not the case. Thus it has been found that those who declared for the right to destroy neutral prizes never claimed to use this right wantonly or at every opportunity, but only by way of exception; while, on the other hand, those who maintained the principle that destruction is forbidden, admitted that the principle must give way in certain exceptional cases. It therefore became a question of reaching an understanding with regard to those exceptional cases to which, according to both views, the right to destroy should be confined. But this was not all: there was need for some guarantee against abuse in the exercise of this right; the possibility of arbitrary action in determining these exceptional cases must be limited by throwing some real responsibility upon the captor. It was at this stage that a new idea was introduced into the discussion, thanks to which it was possible to arrive at an agreement. The possibility of intervention by a court of justice will make the captor reflect before he acts, and at the same time secure reparation in cases where there was no reason for the destruction.

Such is the general spirit of the provisions of this chapter.

Article 48.

A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the prize.

The general principle is very simple. A neutral vessel which has been seized may not be destroyed by the captor; so much may be admitted by every one, whatever view is taken as to the effect produced by the capture. The vessel must be taken into a port for the determination there as to the validity of the prize. A prize crew will be put on board or not, according to circumstances.

Article 49.

As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of Article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

The first condition necessary to justify the destruction of the captured vessel is that she should be liable to condemnation upon the facts of the case. If the captor cannot even hope to obtain the condemnation of the vessel, how can he lay claim to the right to destroy her?

The second condition is that the observance of the general principle would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time. This is what was finally agreed upon after various solutions had been tried. It was understood that the phrase *compromettre la sécurité* was synonymous with *mettre en danger le navire*, and might be translated into English by: *involve danger.* It is, of course, the situation at the moment when the destruction takes place which must be considered in order to decide whether the conditions are or are not fulfilled. For a danger which did not exist at the actual moment of the capture may have appeared some time afterwards.

Article 50.

Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

This provision lays down the precautions to be taken in the interests of the persons on board and of the administration of justice.

Article 51.

A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity, of the nature contemplated in Article 49. If he fails to do this, he must compensate the parties interested, and no examination shall be made of the question whether the capture was valid or not.

This claim gives a guarantee against the arbitrary destruction of prizes by throwing a real responsibility upon the captor who has carried out the destruction. The result is that before any decision is given respecting the validity of the prize, the captor must prove that the situation he was in was really one which fell under the head of the exceptional cases contemplated. This must be proved in proceedings to which the neutral is a party, and if the latter is not satisfied with the decision of the national prize court he may take his case to the International Court. Proof to the above effect is, therefore, a condition precedent which the captor must fulfil. If he fails to do this, he must compensate the parties interested in the vessel and the cargo, and the question whether the capture was valid or not will not be gone into. In this way a real sanction is provided in respect of the obligation not to destroy a prize except in particular cases, the sanction taking the form of a fine inflicted on the captor. If, on the other hand, this proof is given, the prize procedure follows the usual course; if the prize is declared valid, no compensation is due; if it is declared void, the parties interested have a right to be compensated. Resort to the International Court can only be made after the decision of the prize court has been given on the whole matter, and not immediately after the preliminary question has been decided.

Article 52.

If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

Article 53.

If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

Supposing a vessel which has been destroyed carried neutral goods not liable to condemnation: the owner of such goods has, in every case, a right to compensation, that is, without there being occasion to distinguish between cases where the destruction was or was not justified. This is equitable and a further guarantee against arbitrary destruction.

Article 54.

The captor has the right to demand the handing over, or to proceed himself to the destruction, of any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would, under Article 49, justify the destruction of a vessel herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the logbook of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of Articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

A cruiser encounters a neutral merchant vessel carrying contraband in a proportion less than that specified in Article 40. The captain may put a prize crew on board the vessel and take her into a port for adjudication. He may, in conformity with the provisions of Article 44, agree to the handing over of the contraband if offered by the vessel stopped. But what is to happen if neither of these solutions is reached? The vessel stopped does not offer to hand over the contraband, and the cruiser is not in a position to take the vessel into a national port. Is the cruiser obliged to let the neutral vessel go with the contraband on board? To require this seemed going too far, at least in certain exceptional circumstances. These circumstances are in fact the same as would have justified the destruction of the vessel, had she been liable to condemnation. In such a case, the cruiser may demand the handing over, or proceed to the destruction, of the goods liable to condemnation. The reasons for which the right to destroy the vessel has been recognized may justify the destruction of the contraband goods, the more so as the considerations of humanity which can be adduced against the destruction of a vessel do not in this case apply. Against arbitrary demands by the cruiser there are the same guarantees as those which made it possible to recognize the right to destroy the vessel. The captor must, as a preliminary, prove that he was really faced by the exceptional circumstances specified; failing this, he is condemned to pay the value of the goods handed over or destroyed, and the question whether they were contraband or not will not be gone into.

The Article prescribes certain formalities which are necessary to establish the facts of the case and to enable the prize court to adjudicate.

Of course, when once the goods have been handed over or destroyed, and the formalities carried out, the vessel which has been stopped must be left free to continue her voyage.

Chapter V.

TRANSFER TO A NEUTRAL FLAG.

An enemy merchant vessel is liable to capture, whereas a neutral merchant vessel is immune. It can therefore be readily understood that a belligerent cruiser encountering a merchant vessel which lays claim to neutral nationality has to inquire whether such nationality has been acquired legitimately or merely in order to shield the vessel from the risks to which she would have been exposed had she retained her former nationality. This question naturally arises when the transfer has taken place a comparatively short time before the moment at which the ship is searched, whether the actual date be before, or after, the outbreak of hostilities. The answer will be different according as the question is looked at from the point of view of commercial or belligerent interests. Fortunately, rules have been agreed upon which conciliate both these interests as far as possible and which at the same time tell belligerents and neutral commerce what their position is.

Article 55.

The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits earned by, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities, and if the bill of sale is not on board, the capture of the vessel gives no right to damages, The general rule laid down in the first paragraph is that the transfer of an enemy vessel to a neutral flag is valid, assuming, of course, that the ordinary requirements of the law have been fulfilled. It is upon the captor, if he wishes to have the transfer annulled, that the onus lies of proving that its object was to evade the consequences entailed by the war in prospect. There is one case which is treated as suspicious, that, namely, in which the bill of sale is not on board when the ship has changed her nationality less than sixty days before the outbreak of hostilities. The presumption of validity which has been set up by the first paragraph in favour of the vessel is then replaced by a presumption in favour of the captor. It is presumed that the transfer is void, but the presumption may be rebutted. With a view to such rebuttal, proof may be given that the transfer was not effected in order to evade the consequences of the war; it is unnecessary to add that the ordinary requirements of the law must have been fulfilled.

It was thought desirable to give to commerce a guarantee that the right of treating a transfer as void on the ground that it was effected in order to evade the consequences of war should not extend too far, and should not cover too long a period. Consequently, if the transfer has been effected more than thirty days before the outbreak of hostilities, it cannot be impeached on that ground alone, and it is regarded as unquestionably valid if it has been made under conditions which show that it is genuine and final; these conditions are as follows: the transfer must be unconditional, complete, and in conformity with the laws of the countries concerned, and its effect must be such that both the control of, and the profits earned by, the vessel pass into other hands. When once these conditions are proved to exist, the captor is not allowed to set up the contention that the vendor foresaw the war in which his country was about to be involved, and wished by the sale to shield himself from the risks to which a state of war would have exposed him in respect of the vessels he was transferring. Even in this case, however, when a vessel is encountered by a cruiser and her bill of sale is not on board, she may be captured if a change of nationality has taken place less than sixty days before the outbreak of hostilities; that circumstance has made her suspect. But if before the prize court the proof required by the second paragraph is adduced, she must be released, though she cannot claim compensation, inasmuch as there was good reason for capturing her.

Article 56.

The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

Provided that there is an absolute presumption that a transfer is void—

(1.) *If the transfer has been made during a voyage or in a blockaded port.*

(2.) *If a right to repurchase or recover the vessel is reserved to the vendor.*

(3.) *If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing have not been fulfilled.*

The rule respecting *transfers made after the outbreak of hostilities* is more simple. Such a transfer is only valid if it is proved that its object was not to evade the consequences to which an enemy vessel, as such, is exposed. The rule accepted in respect of transfers made before the outbreak of hostilities is inverted. In that case there is a presumption that the transfer is valid; in the present, that it is void—provided always that proof to the contrary may be given. For instance, it might be proved that the transfer had taken place by inheritance.

Article 56 recites cases in which the presumption that the transfer is void is absolute, for reasons which can be readily understood: in the first case, the connection between the transfer and the war risk run by the vessel is evident; in the second, the transferee is a mere man of straw, who is to be treated as owner during a dangerous period, after which the vendor will recover possession of his vessel; lastly, the third case might strictly be regarded as already provided for, since a vessel which lays claim to neutral nationality must naturally prove that she has a right to it.

At one time provision was made in this Article for the case of a vessel which was retained, after the transfer, in the trade in which she had previously been engaged. Such a circumstance is in the highest degree suspicious; the transfer has a fictitious appearance, inasmuch as nothing has changed in regard to the vessel's trade. This would apply, for instance, if a vessel were running on the same line before and after the transfer. It was, however, objected that to set up an absolute presumption would sometimes be too severe, and that certain kinds of vessels, as, for example, tank-ships, could, on account of their build, engage only in a certain definite trade. To meet this objection, the word "*route*" was then added, so that it would have been necessary that the vessel should be engaged *in the same trade and on the same route;* it was thought that in this way the above contention would have been satisfactorily met. However, the suppression of this case from the list being insisted on, it was agreed to eliminate it. Consequently a transfer of this character now falls within the general rule; it is certainly presumed to be void, but the presumption may be rebutted.

Chapter VI.

ENEMY CHARACTER.

The rule in the Declaration of Paris, that "the neutral flag covers enemy goods, with the exception of contraband of war," corresponds so closely with the advance of civilization, and has taken so firm a hold on the public mind, that it is impossible, in the face of so extensive an application, to avoid seeing in that rule the embodiment of a principle of the common law of nations which can no longer be disputed. The determination of the neutral or enemy character of merchant vessels accordingly decides not only the question of the validity of their capture, but also the fate of the non-contraband goods on board. A similar general observation may be made with reference to the neutral or enemy character of goods. No one thinks of contesting to-day the principle according to which "neutral goods, with the exception of contraband of war, are not liable to capture on board an enemy ship." It is, therefore, only in respect of goods found on board an enemy ship that the question whether they are neutral or enemy property arises.

The determination of what constitutes neutral or enemy character thus appears as a development of the two principles laid down in 1856, or rather as a means of securing their just application in practice.

The advantage of deducing from the practices of different countries some clear and simple rules on this subject may be said to need no demonstration. The uncertainty as to the risk of capture, if it does not put an end to trade, is at least the most serious of hindrances to its continuance. A trader ought to know the risks which he runs in putting his goods on board this or that ship, while the underwriter, if he does not know the extent of those risks, is obliged to charge war premiums which are often either excessive or else inadequate.

The rules which form this chapter are, unfortunately, incomplete; certain important points had to be laid aside, as has been already observed in the introductory explanations, and as will be further explained below.

Article 57.

Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of this rule, and is in no wise affected by it.

The principle, therefore, is that *the neutral or enemy character* of a vessel is determined by the flag which she is entitled to fly. It is a simple rule which appears satisfactorily to meet the special case of ships, as distinguished from that of other movable property, and notably of the cargo. From more than one point of view, ships may be said to possess an individuality; notably they have a nationality, a national *character.* This attribute of nationality finds visible expression in the right to fly a flag; it has the effect of placing ships under the protection and control of the State to which they belong; it makes them amenable to the sovereignty and to the laws of that State, and liable to requisition, should the occasion arise. Here is the surest test of whether a vessel is really a unit in the merchant marine of a country, and here therefore the best test by which to decide whether her character is neutral or enemy. It is, moreover, preferable to rely exclusively upon this test, and to discard all considerations connected with the personal status of the owner.

The text makes use of the words "the flag which the vessel is entitled to fly"; that expression means, of course, the flag under which, whether she is actually flying it or not, the vessel is entitled to sail according to the municipal laws which govern that right.

Article 57 safeguards the provisions respecting transfer to another flag, as to which it is sufficient to refer to Articles 55 and 56; a vessel may very well have the right to fly a neutral flag, as far as the law of the country to which she claims to belong is concerned, but may be treated as an enemy vessel by a belligerent, because the transfer in virtue of which she has hoisted the neutral flag is annulled by Article 55 or Article 56.

Lastly, the question was raised whether a vessel loses her neutral character when she is engaged in a trade which the enemy, prior to the war, reserved exclusively for his national vessels; but as has been observed above in connection with the subject of *Unneutral Service,* no agreement was reached, and the question remains an open one, as the second paragraph of Article 57 is careful to explain.

Article 58.

The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

Unlike ships, goods have no individuality of their own; their neutral or enemy character is made to depend upon the personal status of their owner. This opinion prevailed after an exhaustive study of different views, which inclined towards reliance on the country of origin of the goods, the status of the person at whose risk they are, of the consignee, or of the consignor. The test adopted in Article 58 appears, moreover, to be in conformity with the terms of the Declaration of Paris, as also with those of the convention of The Hague of the 18th October, 1907, relative to the establishment of an International Prize Court, where the expression *neutral or enemy property* is used (Articles 1, 3, 4, 8).

But it cannot be concealed that Article 58 solves no more than a part of the problem, and that the easier part; it is the neutral or enemy character of the owner which determines the character of the goods, but what is to determine the neutral or enemy character of the owner? On this point nothing is said, because it was found impossible to arrive at an agreement. Opinions were divided between *domicile* and *nationality;* no useful purpose will be served by reproducing here the arguments adduced to support the two positions. It was hoped that a compromise might have been reached on the basis of a clause to the following effect:—

> "The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy nationality of their owner, or, if he is of no nationality or of double nationality (*i.e.*, both neutral and enemy), by his domicile in a neutral or enemy country;

> "Provided that goods belonging to a limited liability or joint stock company are considered as neutral or enemy according as the company has its headquarters in a neutral or enemy country."

But there was no unanimity.

Article 59.

In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

Article 59 give expression to the traditional rule according to which goods found on board an enemy vessel are, failing proof to the contrary, presumed to be enemy goods; this is merely a simple presumption, which leaves to the claimant the right, but at the same time the onus, of proving his title.

Article 60.

Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.

This provision contemplates the case where goods which were enemy property at the time of dispatch have been the subject of a sale or transfer during the course of the voyage. The ease with which enemy goods might secure protection from the exercise of the right of capture by means of a sale which is made subject to a reconveyance of the property on arrival has always led to a refusal to recognize such transfers. The enemy character subsists.

With regard to the moment from which goods must be considered to acquire and retain the enemy character of their owner, the text has been inspired by the same spirit of equity as governed the convention of The Hague, relative to the status of merchant vessels on the outbreak of hostilities, and by the same desire to protect mercantile operations undertaken in the security of a time of peace. It is only when the transfer takes place after the outbreak of hostilities that it is, so far as the loss of enemy character is concerned, inoperative until the arrival of the goods in question. The date which is taken into consideration here is that of the transfer, and not of the departure of the vessel. For, while the vessel which started before the war began, and remains, perhaps, unaware of the outbreak of hostilities, may enjoy on this account some degree of exemption, the goods may nevertheless possess enemy character; the enemy owner of these goods is in a position to be aware of the state of war, and it is for that very reason that he is likely to seek to evade its consequences.

It was, however, thought right to add what is, if not a limitation, at least a complement agreed to be necessary. In a great number of countries an unpaid vendor has, in the event of the bankruptcy of the buyer, a recognized legal right to recover the goods which have already become the property of the buyer but not yet reached him (*stoppage in transitu*). In such a case the sale is cancelled, and, in consequence of the recovery, the vendor obtains the goods again and is not deemed ever to have ceased to be the owner. This right gives to neutral commerce, in the case of a genuine bankruptcy, a protection too valuable to be sacrificed, and the second paragraph of Article 60 is intended to preserve it.

Chapter VII.

CONVOY.

The practice of convoy has, in the past, occasionally given rise to grave difficulties and even to conflict. It is, therefore, satisfactory to be able to record the agreement which has been reached upon the subject.

Article 61.

Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.

The principle laid down is simple: a neutral vessel under the convoy of a warship of her own nationality is exempt from search. The reason for this rule is that the belligerent cruiser ought to be able to find in the assurances of the commander of the convoy as good a guarantee as would be afforded by the exercise of the right of search itself; in fact, she cannot call in question the assurances given by the official representative of a neutral Government, without displaying a lack of international courtesy. If neutral Governments allow belligerents to search vessels sailing under their flag, it is because they do not wish to be responsible for the supervision of such vessels, and therefore allow belligerents to protect themselves. The situation is altered when a neutral Government consents to undertake that responsibility; the right of search has no longer the same importance.

But it follows from the explanation of the rule respecting convoy that the neutral Government undertakes to afford the belligerents every guarantee that the vessels convoyed shall not take advantage of the protection accorded to them in order to do anything inconsistent with their neutrality, as, for example, to carry contraband, render unneutral service to the belligerent, or attempt to break blockade. There is need, therefore, that a genuine supervision should be exercised from the outset over the vessels which are to be convoyed; and that supervision must be continued throughout the voyage. The Government must act with vigilance so as to prevent all abuse of the right of convoy, and must give to the officer who is put in command of a convoy precise instructions to this effect.

A belligerent cruiser encounters a convoy; she communicates with the commander of the convoy, who must, at her request, give in writing all relevant information about the vessels under his protection. A written declaration is required, because it prevents all ambiguities and misunderstandings, and because it pledges to a greater extent the responsibility of the commander. The object of such a declaration is to make search unnecessary by the mere fact of giving to the cruiser the information which the search itself would have applied.

Article 62.

If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

In the majority of cases the cruiser will be satisfied with the declaration which the commander of the convoy will have given to her, but she may have serious grounds for believing that the confidence of the commander has been abused, as for example, that a ship under convoy of which the papers are apparently in order and exhibit nothing suspicious is, in fact, carrying contraband cleverly concealed. The cruiser may, in such a case, communicate her suspicions to the commander of the convoy, and an investigation may be considered necessary. If so, it will be made by the commander of the convoy, since it is he alone who exercises authority over the vessels placed under his protection. It appeared, nevertheless, that much difficulty might often be avoided if the belligerent were allowed to be present at this investigation; otherwise he might still suspect, if not the good faith, at least the vigilance and perspicacity of the person who conducted the search. But it was not thought that an obligation to allow the officer of the cruiser to be present at the investigation should be imposed upon the commander of the convoy. He must act as he thinks best; if he agrees to the presence of an officer of the cruiser, it will be as an act of courtesy or good policy. He must in every case draw up a report of the investigation and give a copy to the officer of the cruiser.

Differences of opinion may occur between the two officers, particularly in relation to conditional contraband. The character of a port to which a cargo of corn is destined may be disputed. Is it an ordinary commercial port? or is it a port which serves as a base of supply for the armed forces? The situation which arises out of the mere fact of the convoy must in such a case be respected. The officer of the cruiser can do no more than make his protest, and the difficulty must be settled through the diplomatic channel.

The situation is altogether different if a vessel under convoy is found beyond the possibility of dispute to be carrying contraband. The vessel has no longer a right to protection, since the condition upon which such protection was granted has not been fulfilled.

Besides deceiving her own Government, she has tried to deceive the belligerent. She must therefore be treated as a neutral merchant vessel encountered in the ordinary way and searched by a belligerent cruiser. She cannot complain at being exposed to such rigorous treatment, since there is in her case an aggravation of the offence committed by a carrier of contraband.

Chapter VIII.

RESISTANCE TO SEARCH.

The subject treated in this chapter was not mentioned in the programme submitted by the British Government in February 1908, but it is intimately connected with several of the questions in that programme, and thus attracted the attention of the Conference in the course of its deliberations; and it was thought necessary to frame a rule upon it, the drafting of which presented little difficulty.

A belligerent cruiser encounters a merchant vessel and summons her to stop in order that she may be searched. The vessel summoned does not stop, but tries to avoid the search by flight. The cruiser may employ force to stop her, and the merchant vessel, if she is damaged or sunk, has no right to complain, seeing that she has failed to comply with an obligation imposed upon her by the law of nations.

If the vessel is stopped, and it is shown that it was only in order to escape the inconvenience of being searched that recourse was had to flight, and that beyond this she had done nothing contrary to neutrality, she will not be punished for her attempt at flight. If, on the other hand, it is established that the vessel has contraband on board, or that she has in some way or other failed to comply with her duty as a neutral, she will suffer the consequences of her infraction of neutrality, but in this case as in the last, she will not undergo any punishment for her attempt at flight. Expression was given to the contrary view, namely, that a ship should be punished for an obvious attempt at flight as much as for forcible resistance. It was suggested that the prospect of having the escaping vessel condemned as good prize would influence the captain of the cruiser to do his best to spare her. But in the end this view did not prevail.

Article 63.

Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

The situation is different if forcible resistance is made to any legitimate action by the cruiser. The vessel commits an act of hostility and must, from that moment, be treated as an enemy vessel; she will therefore be subject to condemnation, although the search may not have shown that anything contrary to neutrality had been done. So far no difficulty seems to arise.

What must be decided with regard to the cargo? The rule which appeared to be the best is that according to which the cargo will be treated like the cargo on board an enemy vessel. This assimilation involves the following consequences: a neutral vessel which has offered resistance becomes an enemy vessel and the goods on board are presumed to be enemy goods. Neutrals who are interested may claim their property, in accordance with Article 3 of the Declaration of Paris, but enemy goods will be condemned, since the rule that *the flag covers the goods* cannot be adduced, because the captured vessel on board which they are found is considered to be an enemy vessel. It will be noticed that the right to claim the goods is open to all neutrals, even to those whose nationality is that of the captured vessel; it would seem to be an excess of severity to make such persons suffer for the action of the master. There is, however, an exception as regards the goods which belong to the owner of the vessel; it seems natural that he should bear the consequences of the acts of his agent. His property on board the vessel is therefore treated as enemy goods. *A fortiori* the same rule applies to the goods belonging to the master.

Chapter IX.

COMPENSATION.

This chapter is of very general application, inasmuch as the provisions which it contains are operative in all the numerous cases in which a cruiser may capture a vessel or goods.

Article 64.

If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

A cruiser has captured a neutral vessel, on the ground, for example, of carriage of contraband or breach of blockade. The prize court releases the vessel declaring the capture to be void. This decision alone is evidently not enough to indemnify the parties interested for the loss incurred in consequence of the capture, and this loss may have been considerable, since the vessel has been during a period, which may often be a very long one, prevented from engaging in her ordinary trade. May these parties claim to be compensated for this injury? Reason requires that the affirmative answer should be given, if the injury has been undeserved, that is to say, if the capture was not brought about by some fault of the parties. It may, indeed, happen that there was good reason for the capture, because the master of the vessel searched did not produce evidence which ought in the ordinary course to have been available, and which was only furnished at a later stage. In such a case it would be unjust that compensation should be awarded. On the other hand, if the cruiser has really been at fault, if the vessel has been captured when there were not good reasons for doing so, it is just that compensation should be granted.

It may also happen that a vessel which has been captured and taken into a port is released by the action of the executive without the intervention of a prize court. The existing practice, under such circumstances, is not uniform. In some countries the prize court has no jurisdiction unless there is a question of validating a capture, and cannot adjudicate on a claim for compensation based upon the ground that the capture would have been held unjustifiable; in other countries the prize court would have jurisdiction to entertain a claim of this kind. On this point, therefore, there is a difference which is not altogether equitable, and it is desirable to lay down a rule which will produce the same result in all countries. It is reasonable that every capture effected without good reasons should give to the parties interested a right to compensation, without its being necessary to draw any distinction between the cases in which the capture has or has not been followed by a decision of a prize court; and this argument is all the more forcible when the capture may have so little justification that the vessel is released by the action of the executive. A provision in general terms has therefore been adopted, which is capable of covering all cases of capture.

It should be observed that in the text no reference is made to the question whether the national tribunals are competent to adjudicate on a claim for compensation. In cases where proceedings are taken against the property captured, no doubt upon this point can be entertained. In the course of the proceedings taken to determine the validity of a capture the parties interested have the opportunity of making good their right to compensation, and, if the national tribunal does not give them satisfaction. they can apply to the International Prize Court. If, on the other hand, the action of the belligerent has been confined to the capture, it is the law of the belligerent captor which decides whether there are tribunals competent to entertain a demand for compensation, and if so, what are those tribunals; the International Court has not, according to the convention of the Hague, any jurisdiction in such a case. From an international point of view, the diplomatic channel is the only one available for making good such a claim, whether the cause for complaint is founded on a decision actually delivered, or on the absence of any tribunal having jurisdiction to entertain it.

The question was raised as to whether it was necessary to draw a distinction between the direct and the indirect losses suffered by vessel or goods. The best course appeared to be to leave the prize court free to estimate the amount of compensation due, which will vary according to the circumstances and cannot be laid down in advance in rules going into minute details.

For the sake of simplicity, mention has only been made of the vessel, but what has been said applies of course to cargo captured and afterwards released. Innocent goods on board a vessel which has been captured suffer, in the same way, all the inconvenience which attends the capture of the vessel; but if there was good cause for capturing the vessel, whether the capture has subsequently been held to be valid or not, the owners of the cargo have no right to compensation.

It is perhaps useful to indicate certain cases in which the capture of a vessel would be justified, whatever might be the ultimate decision of the prize court. Notably, there is the case where some or all of the ship's papers have been thrown overboard, suppressed, or intentionally destroyed on the initiative of the master or one of the crew or passengers. There is in such case an element which will justify any suspicion and afford an excuse for capturing the vessel, subject to the master's ability to account for his action before the prize court. Even if the court should accept the explanation given and should not find any reason for condemnation, the parties interested cannot hope to recover compensation.

An analogous case would be that in which there were found on board two sets of papers, or false or forged papers, if this irregularity were connected with circumstances calculated to contribute to the capture of the vessel.

It appeared sufficient that these cases in which there would be a reasonable excuse for the capture should be mentioned in the present Report, and should not be made the object of express provisions, since, otherwise, the mention of these two particular cases might have led to the supposition that they were the only cases in which a capture could be justified.

Such then are the principles of international law to which the Naval Conference has sought to give recognition as being fitted to regulate in practice the intercourse of nations on certain important questions in regard to which precise rules have hitherto been wanting. The Conference has thus taken up the work of codification begun by the Declaration of Paris of 1856. It has worked in the same spirit as the second Peace Conference, and, taking advantage of the labours accomplished at The Hague, it has been able to solve some of the problems which, owing to the lack of time, that Conference was compelled to leave unsolved. Let us hope that it may be possible to say that those who have drawn up the Declaration of London of 1909 are not altogether unworthy of their predecessors of 1856 and 1907.

FINAL PROVISIONS.

These provisions have reference to various questions relating to the effect of the Declaration, its ratification, its coming into force, its denunciation, and the accession of unrepresented Powers.

Article 65.

The provisions of the present Declaration must be treated as a whole, and cannot be separated.

This Article is of great importance, and is in conformity with that which was adopted in the Declaration of Paris.

The rules contained in the present Declaration relate to matters of great importance and great diversity. They have not all been accepted with the same degree of eagerness by all the Delegations. Concessions have been made on one point in consideration of concessions obtained on another. The whole, all things considered, has been recognized as satisfactory, and a legitimate expectation would be falsified if one Power might make reservations on a rule to which another Power attached particular importance.

Article 66.

The Signatory Powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

According to the engagement resulting from this Article, the Declaration applies to the relations between the Signatory Powers when the belligerents are likewise parties to the Declaration.

It will be the duty of each Power to take the measures necessary to ensure the observance of the Declaration. These measures may vary in different countries, and may or may not involve the intervention of the legislature. The matter is one of national legal requirements.

It should be observed that neutral Powers also may find themselves in a position of having to give instructions to their authorities, notably to the commanders of convoys as previously explained.

Article 67.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the Signatory Powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

This provision, of a purely formal character, needs no explanation. The wording adopted at The Hague by the second Peace Conference has been borrowed.

Article 68.

The present Declaration shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

Article 69.

In the event of one of the Signatory Powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other Powers.

It will only operate in respect of the denouncing Power.

It follows implicitly from Article 69 that the Declaration is of indefinite duration. The periods after which denunciation is allowed have been fixed on the analogy of the convention for the establishment of an International Prize Court.

Article 70.

The Powers represented at the London Naval Conference attach particular importance to the general recognition of the rules which they have adopted, and therefore express the hope that the Powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.

A Power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other Powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this Declaration, acceding Powers shall be on the same footing as the Signatory Powers.

The Declaration of Paris also contained an invitation to the Powers which were not represented to accede to the Declaration. The official invitation in this case, instead of being made individually by each of the Powers represented at the Conference, may more conveniently be made by Great Britain acting in the name of all the Powers.

The procedure for accession is very simple. The fact that the acceding Powers are placed on the same footing in every respect as the signatory Powers of course involves compliance by the former with Article 65. A Power can accede only to the whole, but not merely to a part, of the Declaration.

Article 71.

The present Declaration, which bears the date of the 26th February, 1909, *may be signed in London up till the 30th June*, 1909, *by the Plenipotentiaries of the Powers represented at the Naval Conference.*

As at The Hague, account has been taken of the situation of certain Powers the Representatives of which may not be in a position to sign the Declaration at once, but which desire nevertheless to be considered as signatory, and not as acceding, Powers.

It is scarcely necessary to say that the *Plenipotentiaries of the Powers* referred to in Article 71 are not necessarily those who were, as such, delegates at the Naval Conference.

In faith whereof the Plenipotentiaries have signed the present Declaration and have thereto affixed their seals.

Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.

Supplement.

[*Note.*—This Supplement comprises the Proclamation of October 8th as to Trading with the Enemy, the Home Office Statement of the same date as to Espionage, the Board of Trade Notice of October 9th as to Importers and Exporters, and certain other "Emergency Orders" which have been made between October 1st and October 9th. It was found possible whilst this Manual was passing through the press to incorporate certain of the Emergency Orders of the first days of October in the main text in direct conjunction with relative matter. Accordingly the Order of the Secretary of State as to Obscuration of Lights will be found at p. 157, and that of the Secretary for Scotland as to Special Constables in Orkney and Shetland at p. 374. The Index gives references to all these October Emergency Orders.]

ALIENS RESTRICTION.

The Aliens Restriction (Change of Name) Order, 1914.(a)

1914. No. 1478.

At the Court at Buckingham Palace, the 8th day of October, 1914.

Present,

The King's Most Excellent Majesty in Council.

Whereas by the Aliens Restriction (Consolidation) Order, 1914 (hereinafter referred to as the Principal Order),(b) His Majesty has been pleased to impose restrictions on aliens and to make various provisions for carrying those restrictions into effect:

And whereas it is desirable to extend and amend the said Order in manner hereinafter provided:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The following Article shall be inserted after Article 25 of the Principal Order:—

> "25a. An alien enemy shall not, after the twelfth day of October nineteen hundred and fourteen, for any purpose assume or use, or purport to assume or use, or continue the assumption or use of any name other than that by which he was ordinarily known at the date of the commencement of the war.
>
> "Where an alien enemy carries on or purports or continues to carry on, or is a member of a partnership or firm which carries on or purports or continues to carry on any trade or business under any name other than that under which the trade or business was carried on at the date of the commencement of the war, he shall, for the purposes

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(a) This Order was published in the "London Gazette" of October 8th, 1914, being a Supplement to the Gazette of October 6th; in the "Edinburgh Gazette" of October 9th, 1914; in the "Dublin Gazette" of October 9th, 1914.

(b) Printed at pp. 68–85 above under the heading "Aliens Restriction."

of this Order, be deemed to be using or purporting or continuing to use a name other than that by which he was ordinarily known at the date of the commencement of the war.

"Nothing in this Article shall affect the right of a woman who after the commencement of the war marries an alien enemy to use the name which she acquires on her marriage.

"A Secretary of State may, if it appears desirable in any particular case, grant an exemption from the provisions of this Article."

2. In Article 20 of the Principal Order, the word "Order" shall be substituted for the word "Act."

3. This Order may be cited as the Aliens Restriction (Change of Name) Order, 1914.

Almeric FitzRoy.

ESPIONAGE.

Statement issued by the Home Office and appearing in the Press, Friday, October 9th, 1914.

In view of the anxiety naturally felt by the public with regard to the system of espionage on which Germany has placed so much reliance and to which attention has been directed by recent reports from the seat of war, it may be well to state briefly the steps which the Home Office, acting on behalf of the Admiralty and War Office, has taken to deal with the matter in this country. The secrecy which it has hitherto been desirable in the public interest to observe on certain points cannot any longer be maintained owing to the evidence which it is necessary to produce in cases against spies that are now pending.

It was clearly ascertained five or six years ago that the Germans were making great efforts to establish a system of espionage in this country, and in order to trace and thwart these efforts a Special Intelligence Department was established by the Admiralty and the War Office which has ever since acted in the closest co-operation with the Home Office and Metropolitan Police and the principal provincial police forces. In 1911, by the passing of the Official Secrets Act, 1911,(**a**) the law with regard to espionage, which had hitherto been confused and defective, was put on a clear basis and extended so as to embrace every possible mode of obtaining and conveying to the enemy information which might be useful in war.

The Special Intelligence Department, supported by all the means which could be placed at its disposal by the Home Secretary, was able in three years, from 1911 to 1914, to discover the ramifications of the German Secret Service in England. In spite of enormous efforts and lavish expenditure of money by the

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(**a**) 1 & 2 Geo. 5. c. 28.

enemy, little valuable information passed into their hands. The agents, of whose identity knowledge was obtained by the Special Intelligence Department, were watched and shadowed without in general taking any hostile action or allowing them to know that their movements were watched. When, however, any actual step was taken to convey plans or documents of importance from this country to Germany, the spy was arrested and in such case evidence sufficient to secure his conviction was usually found in his possession. Proceedings under the Official Secrets Acts were taken by the Director of Public Prosecutions; and in six cases sentences were passed varying from 18 months to six years' penal servitude. At the same time steps were taken to mark down and keep under observation all the agents known to be engaged in this traffic, so that when any necessity arose the police might lay hands on them at once; and accordingly on the 4th August, before the Declaration of War, instructions were given by the Home Secretary for the arrest of 20 known spies, and all were arrested. This figure does not cover a large number (upwards of 200) who were noted as under suspicion or to be kept under special observation. The great majority of these were interned at or soon after the declaration of war.

None of the men arrested in pursuance of the orders issued on August 4 has yet been brought to trial, partly because the officers whose evidence would have been required were engaged in urgent duties in the early days of the war, but mainly because the prosecution by disclosing the means adopted to track out the spies and prove their guilt would have hampered the Intelligence Department in its further efforts. They were and still are held as prisoners under the powers given to the Secretary of State by the Aliens Restriction Act.(**a**) One of them, however, who established a claim to British nationality, has now been formally charged; and, the reasons for delay no longer existing, it is a matter for consideration whether the same course should now be taken with regard to some of the other known spies.

Although this action taken on August 4 is believed to have broken up the spy organization which had been established before the war, it is still necessary to take the most rigorous measures to prevent the establishment of any fresh organization and to deal with individual spies who might previously have been working in this country outside the organization, or who might be sent here under the guise of neutrals after the declaration of war. In carrying this out the Home Office and War Office have now the assistance of the cable censorship, and also of the postal censorship, which, established originally to deal with correspondence with Germany and Austria, has been gradually extended (as the necessary staff could be obtained) so as to cover communications with those neutral countries through which correspondence might readily pass to Germany or Austria. The censorship has been extremely effective in stopping secret communications by cable or letter with the enemy, but as its existence was necessarily known to them it has not, except in a few instances, produced materials for the detection of espionage.

(**a**) 4 & 5 Geo. 5. c. 12, printed at p. 6 above.

On August 5 the Aliens Restriction Act(**a**) was passed, and within an hour of its passing an Order in Council(**b**) was made which gave the Home Office and the police stringent powers to deal with aliens, and especially enemy aliens, who under this Act could be stopped from entering or leaving the United Kingdom, and were prohibited while residing in this country from having in their possession any wireless or signalling apparatus of any kind, or any carrier or homing pigeons. Under this Order all those districts where the Admiralty or War Office considered it undesirable that enemy aliens should reside have been cleared by the police of Germans and Austrians, with the exception of a few persons, chiefly women and children, whose character and antecedents are such that the local Chief Constable, in whose discretion the matter is vested by the Order, considered that all ground for suspicion was precluded. At the same time the Post Office, acting under the powers given them by the Wireless Telegraphy Acts,(**c**) dismantled all private wireless stations; and they established a special system of wireless detection by which any station actually used for the transmission of messages from this country could be discovered. The police have co-operated successfully in this matter with the Post Office.

New and still more stringent powers for dealing with espionage were given by the Defence of the Realm Act,(**d**) which was passed by the Home Secretary through the House of Commons and received the Royal Assent on August 8. Orders in Council(**e**) have been made under this Act which prohibit, in the widest possible terms, any attempt on the part either of aliens or of British subjects to communicate any information which "is calculated to be or might be directly or indirectly useful to an enemy"; and any person offending against this prohibition is liable to be tried by Court-martial and sentenced to penal servitude for life. The effect of these Orders is to make espionage a military offence. Power is given both to the police and to the military authorities to arrest without a warrant any person whose behaviour is such as to give rise to suspicion, and any person so arrested by the police would be handed over to the military authorities for trial by Court-martial. Only in the event of the military authorities holding that there is no *primâ facie* case of espionage or any other offence triable by military law is a prisoner handed back

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(**a**) 4 & 5 Geo. 5. c. 12, printed at p. 6 above.

(**b**) The Aliens Restriction Order, 1914, printed at pp. 48–63 above. This Order together with Amending Orders, Nos. 2, 3, and 4, printed at pp. 65–67 above, were consolidated with Amendments by the Aliens Restriction (Consolidation) Order, 1914, printed at pp. 68–85. The Consolidation Order was extended and amended by the Aliens Restriction (Change of Name) Order, 1914.

(**c**) The Wireless Telegraphy Act, 1904 (4 Edw. 7. c. 24), originally of limited duration, has been continued from year to year by the Annual Expiring Laws Continuance Act.

(**d**) 4 & 5 Geo. 5. c. 29, printed at p. 13 above.

(**e**) The Orders in Council ("Defence of the Realm Regulations") made under this Act (4 & 5 Geo. 5. c. 29), which was amended and extended by the Defence of the Realm (No. 2) Act (4 & 5 Geo. 5. c. 63), are printed at pp. 146–155 above. The Acts and the Regulations are for convenience of reference reproduced in consolidated form in Appendix B. printed at pp. 409–417 above.

to the civil authorities to consider whether he should be charged with failing to register or with any other offence under the Aliens Restriction Act.(**a**)

The present position is therefore that espionage has been made by statute a military offence triable by Court-martial. If tried under the Defence of the Realm Act the maximum punishment is penal servitude for life; but if dealt with outside that Act as a war crime the punishment of death can be inflicted.

At the present moment one case is pending in which a person charged with attempting to convey information to the enemy is now awaiting his trial by Court-martial; but in no other case has any clear trace been discovered of any attempt to convey information to the enemy, and there is good reason to believe that the spy organization crushed at the outbreak of the war has not been re-established.

How completely that system had been suppressed in the early days of the war is clear from the fact disclosed in a German Army Order—that on the 21st of August the German Military Commanders were still ignorant of the dispatch and movements of the British Expeditionary Force, although these had been known for many days to a large number of people in this country.

The fact, however, of this initial success does not prevent the possibility of fresh attempts at espionage being made, and there is no relaxation in the efforts of the Intelligence Department and of the police to watch and detect any attempts in this direction. In carrying out their duties the military and police authorities would expect that persons having information of cases of suspected espionage would communicate the grounds of the suspicion to local military authority or to the local police, who are in direct communication with the Special Intelligence Department, instead of causing unnecessary public alarm and possibly giving warning to the spies by public speeches or letters to the Press. In cases in which the Director of Public Prosecutions has appealed to the authors of such letters and speeches to supply him with the evidence upon which their statements were founded in order that he might consider the question of prosecuting the offender, no evidence of any value has as yet been forthcoming.

Among other measures which have been taken has been the registration, by order of the Secretary of State made under the Defence of the Realm Act,(**b**) of all persons keeping carrier or homing pigeons. The importation and the conveyance by rail of these birds have been prohibited; and, with the valuable assistance of the National Homing Union, a system of registration has been extended to the whole of the United Kingdom,(**c**) and measures have been taken which, it is believed, will be effective to prevent the possibility of any birds being kept in this country which would fly to the Continent.

Another matter which has engaged the closest attention of the police has been the possibility of conspiracies to commit outrage. No trace whatever has been discovered of any such conspiracy, and no outrage of any sort has yet been committed

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(**a**) 4 & 5 Geo. 5. c. 12, printed at p. 6 above.

(**b**) This Order, dated September 21, 1914, is printed at p. 157 above.

(**c**) The earlier Orders which were less extensive are printed at p. 156 above.

by any alien—not even telegraph wires having been maliciously cut since the beginning of the war. Nevertheless it has been necessary to bear in mind the possibility that such a secret conspiracy might exist or might be formed among alien enemies resident in this country. Accordingly, immediately after the commencement of hostilities, rigorous search was made by the police in the houses of Germans and Austrians, in their clubs, and in all places where they were likely to resort. In a few cases individuals were found who were in possession of a gun or pistol which they had not declared, and in one or two cases there were small collections of ancient firearms, and in such cases the offenders have been prosecuted and punished; but no store of effective arms—still less any bombs or instruments of destruction—have so far been discovered. From the beginning any Germans or Austrians who were deemed by the police to be likely to be dangerous were apprehended, handed over to the military authorities, and detained as prisoners of war; and, as soon as the military authorities desired it, general action was taken to arrest and hand over to military custody Germans of military age, subject to exceptions which have properly been made on grounds of policy. About 9,000 Germans and Austrians of military age have been so arrested and are held as prisoners of war in detention camps, and among them are included those who are regarded by the police as likely in any possible event to take part in any outbreak of disorder or incendiarism.

Home Office,
8th October, 1914.

EXPORTATION OF WARLIKE STORES, PROVISIONS, AND VICTUAL.

ORDER OF COUNCIL UNDER SECTION 2 OF THE CUSTOMS (EXPORTATION PROHIBITION) ACT, 1914 (4 & 5 GEO. 5, c. 64) VARYING PROCLAMATIONS AND ORDERS OF COUNCIL PROHIBITING THE EXPORTATION OF VARIOUS ARTICLES.(**a**)

1914. No. 1472.

At the Council Chamber, Whitehall, the 6th day of October, 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914,(**b**) that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879,(**c**) as amended by the Act now in recital,

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(**a**) This Proclamation was published in the "London Gazette" of October 7th, 1914, being the 1st Supplement to the Gazette of October 6th; in the "Edinburgh Gazette" of October 8th, being a Supplement to the Gazette of October 6th; and in the "Dublin Gazette" of October 6th, 1914, being a Supplement to the Gazette of October 6th.

(**b**) 4 & 5 Geo. 5, c. 64, printed at p. 23 above.

(**c**) 42 & 43 Vict. c. 21.

may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas there was this day read at the Board a recommendation from the Board of Trade in the following words:—

(1) That the exportation of—

Flaxen canvas, namely:—
  Royal Navy Canvas;
  Merchant Navy Canvas;
  Kitbag Canvas;
  Hammock Canvas;
Linen Duck Cloth;
Linen close canvas;
Jute, raw;

should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic ports), Belgium, France, Spain, and Portugal.

(2) That the heading "Glacial acetic acid" should be deleted from the list of prohibitions contained in paragraph 6 of the Order of Council of the 8th September, 1914.(**a**)

(3) That there should be added to the list of prohibitions of export to all destinations—

Hemp cordage and twine, not including cordage or twine of manila hemp or reaper or binder twine:
Blankets, coloured, exceeding 3½ lbs. in weight, known as "woollen" blankets;
Hides of all kinds, dry or wet;
Pig-skins, raw or dressed;
Leather, undressed or dressed, suitable for saddlery, harness, or military boots;
Sheep and lambs' wool, raw.

Now, therefore, Their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Almeric FitzRoy.

IMPORTS AND EXPORTS.

Board of Trade Notice, dated October 9, 1910, to Importers and Exporters.(**b**)

1. The attention of importers and exporters is directed to the provisions of His Majesty's Proclamation, dated the 9th September, relating to Trading with the Enemy. By paragraph 5 (7) of

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(**a**) Printed at p. 172 above.

(**b**) This Notice was published in the "London Gazette" of October 9th, 1914, being the 5th Supplement to the Gazette of October 6th.

this Proclamation all persons resident, carrying on business, or being in His Majesty's Dominions are warned "not directly or indirectly to supply to or for the use or benefit of, or obtain from an enemy country or an enemy any goods, wares, or merchandise; nor directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares, or merchandise, for or by way of transmission to or from an enemy country or an enemy; nor directly or indirectly to trade in or carry any goods, wares, or merchandise destined for or coming from an enemy country or an enemy." It is further provided by paragraph 3 that the expression "enemy" in the Proclamation means "any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country."

2. With a view to preventing breaches of this Proclamation it is hereby notified that the Commissioners of His Majesty's Customs and Excise have been authorized by His Majesty's Government to require Certificates of Origin or Declarations of Ultimate Destination respectively to be presented in respect of all goods, wares, or merchandise imported into or exported from the United Kingdom in trade with any foreign port in Europe or on the Mediterranean or Black Seas with the exception of those of Russia, Belgium, France, Spain and Portugal.

3. Declarations of Ultimate Destination will consequently be required until further notice in respect of all exports, without regard to value of consignments, to all the foreign ports referred to above.

4. For the present, however (except in regard to sugar), Certificates of Origin will not be required in respect of imports of foodstuffs or in respect of any imports from ports other than those specified in Schedule I. below, or in respect of individual consignments not exceeding £100 in value. The Certificates and Declarations referred to must be in the form prescribed by the Schedules II. and III. hereto.

5. Any goods, wares or merchandise imported from the above-mentioned foreign ports, except as provided in paragraph 4, unaccompanied by Certificates of Origin will be detained by the Commissioners of Customs and Excise until the requisite certificates are produced. The Commissioners are, however, authorized in such cases, and at their discretion, to allow delivery of the goods on the security of a deposit or of a bond to the amount of three times the value of the goods with a view to the production of the necessary certificates within a prescribed period, provided that they see no reason for suspecting that the goods emanate from an enemy country.

6. Goods, wares, or merchandise sought to be exported to any foreign ports in Europe or on the Mediterranean or Black Seas, with the exception of those of Russia, Belgium, France, Spain

and Portugal, will not be allowed to be shipped until Declarations of Ultimate Destination in the form prescribed have been lodged with the proper Customs authority.

7. The following goods will be exempt from these requirements:—

(*a*) Goods imported or exported under licence;
(*b*) Goods shipped for the United Kingdom on or before the 19th October;
(*c*) Goods in respect of which Customs export entries have been accepted before the publication of this notice.

Board of Trade, 9th October, 1914.

Schedule I.

List of Ports in respect of Imports from which Certificates of Origin will be required (*see* paragraph 4 of Notice).

NORWAY.

Christiania.
Bergen.
Arendal.
Bodo.
Christiansand.
Christiansund.
Drammen.
Flekkefiord.
Fredrikshald.
Frederikstad.
Hammerfest.
Haugesund.
Laurvig and Sandefiord.
Lofoten Islands.
Mandal.
Molde.
Moss.
Namsos.
Narvik.
Porsgrund.
Risör.
Skien.
Stavanger.
Tönsberg.
Tromsö.
Trondhjem.
Vadsö.
Vardö.
Kragerö.

SWEDEN.

Stockholm.
Borgholm.
Gefle.
Gotland (Wisbui).
Hernösand.
Hudiksvall.
Kalmar.
Lulea.
Norrköping.
Nyköping.
Ornsköldsvik.
Oskarshamn.
Söderhamn.
Sundvall.
Umea.
Westervik.
Skelleftea.
Gottenburg.
Carlscrona.
Halmstad.
Helsingborg.
Landscroner.
Malmö.
Strömstad.
Uddevalla.
Warberg.
Ystad and Ahus.
Marstrand.

DENMARK.

Copenhagen.
Nyborg.
Aalborg.
Aarhus.
Bandholm.
Elsinore.
Esbjerg.
Fredericia.
Fredrikshavn.
Horsens.
Castrup.
Kolding.
Korsör.
Lemvig.
Odense.
Randers.
Rönne (Bornholm).
Svendborg.
Thisted.

NETHERLANDS.

Rotterdam.
Amsterdam.
Delfzyl.
Dordrecht.
Flushing.
Groningen.
The Hague and Scheveningen.
Helder.
Leeuwarden and Harlingen.
Maassluis.
Terneuzen.
Tiel.
Utrecht.
Ymuiden.

ITALY.

Genoa.
Spezia.
Savona.

Schedule II.

FORM OF CERTIFICATE OF ORIGIN.

I,   , hereby certify that Mr.   (Producer, Manufacturer, Merchant, Trader, etc.), residing at   in this town has declared before me that the merchandise designated below, which is to be shipped from this town to   , consigned to   (Merchant, Manufacturer, &c.) in the United Kingdom, is not of German, Austrian, or Hungarian production or manufacture, and has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

Number and description of cases	Marks.	Numbers.	Weight or Quantity.	Total Value.	Contents.

This certificate is valid only for a period of not more than   from the date hereof.]

(Signature of person declaring.)

(Signature of Consular Authority issuing Certificate, and date.)

Schedule III.

FORM OF STATUTORY DECLARATION.

I, of

do solemnly and sincerely declare as follows:—

I have made all necessary inquiries in order to satisfy myself as to the ultimate destination of the goods, particulars of which are set out in the Schedule below, to be exported by me or on my behalf on board to , and consigned to of , and do hereby declare that to the best of my knowledge and belief none of such goods are intended for consumption in any State at present at war with His Majesty, and I make this declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1835.

SCHEDULE.

Number and description of cases.	Marks.	Numbers.	Weight or Quantity.	Total Value.	Contents.

Declared before me this day of .

(Signature of Commissioner of Oaths or Justice of the Peace.)

(Signature of Declarant.)

NATIONAL HEALTH INSURANCE.

THE NATIONAL HEALTH INSURANCE (OFFICERS, WARRANT OFFICERS, AND SOLDIERS) REGULATIONS (SCOTLAND), 1914, DATED OCTOBER 9, 1914, MADE BY THE SCOTTISH INSURANCE COMMISSIONERS UNDER SUB-SECTION (7) OF SECTION 46, AND SECTIONS 65 AND 80 OF THE NATIONAL INSURANCE ACT, 1911 (1 & 2 GEO. 5, C. 55), AS AMENDED BY THE NATIONAL INSURANCE (NAVY AND ARMY) ACT, 1914, WITH RESPECT TO CERTAIN OFFICERS, WARRANT OFFICERS, AND SOLDIERS.

1914. No. $\frac{1481}{\text{S. }98}$.

The Scottish Insurance Commissioners in exercise of the powers conferred on them by Sub-section (7) of Section 46, and Sections 65 and 80 of the National Insurance Act, 1911, as amended by the National Insurance (Navy and Army) Act, 1914, hereby make the following Regulations:—

1. These Regulations may be cited as the National Health Insurance (Officers, Warrant Officers, and Soldiers) Regulations (Scotland), 1914, and shall have effect as from the 1st day of August 1914.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the National Insurance Act, 1911, as amended by the National Insurance (Navy and Army) Act, 1914;(**a**)

"Officer" means any person who, being previously insured, serves during the present war as a commissioned or warrant officer of the Naval Reserve, or an officer of the Reserve or of the Territorial Force, or is granted a temporary commission in the regular forces during the continuance of the present war;

"Soldier" means any soldier specially enlisted for the purposes of the present war;

"Commencement of service" means, in the case of an officer, the date on which he begins to serve as an officer for the purposes of the present war, and in the case of a soldier, the date of his enlistment;

"Discharge" includes any termination of service.

(2) The Interpretation Act, 1889,(**b**) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In the application of Section 46 of the Act as amended by the National Insurance Act, 1913,(**c**) and of any Regulations(**d**) made thereunder and for the time being in force (other than these Regulations), to soldiers after the commencement of service, the following adaptations and modifications shall have effect:—

The provisions of Section 46 shall not apply to any soldier who was not immediately before enlistment an insured person, and who within such time as the Army Council may determine elects not to become insured during the period of his service.

4. In the application of the aforesaid Section and Regulations to officers and soldiers after the commencement of service, the following adaptations and modifications shall have effect:—

(1) The commencement of service shall, in the case of officers, be treated as if it were the date of enlistment mentioned in Section 46 of the Act, and, notwithstanding anything in Sub-section (2) of Section 46, the provisions of Sub-section (3) of that Section, as modified by these Regulations, shall, in the case of an officer or soldier who has not joined an approved society before the commencement of service, apply immediately after that date.

(**a**) 4 & 5 Geo. 5. c. 81, printed at p. 39 above.

(**b**) 52 & 53 Vict. c. 63.

(**c**) 3 & 4 Geo. 5. c. 37.

(**d**) As to Regulations made previously to, or not in direct consequence of, the War, *see* footnote (**c**), p. 194 above.

(2)—(*a*) The provisions of paragraph (*d*) of Sub-section (3) of Section 46 of the Act shall not apply to an officer or soldier who was immediately before the commencement of service a deposit contributor, but any sum standing to his credit in the Deposit Contributors Fund shall be retained in that Fund until the date of discharge.

(*b*) Upon his discharge, paragraph (*g*) of Sub-section (3) of Section 46 shall not apply, but if he does not become a member of the Navy and Army Insurance Fund under the provisions of paragraph (*h*) of Sub-section (3) of Section 46, the value of the contributions paid by or in respect of him between the commencement of service and the date of discharge shall be carried to his credit in the Deposit Contributors Fund.

(*c*) If after the date of discharge he becomes entitled to benefits out of the Navy and Army Insurance Fund, he shall be treated as if the Navy and Army Insurance Fund were an approved society and he had become a member of that Fund at the commencement of service, and any sum standing to his credit in the Deposit Contributors Fund shall be dealt with accordingly.

Given under the Seal of Office of the Scottish Insurance Commissioners this ninth day of October in the year one thousand nine hundred and fourteen.

(L.S.) *John C. McVail,*
Vice-Chairman.

John Jeffrey,
Secretary.

PRIZE COURTS.

NOTIFICATION DATED OCTOBER 8, 1914, BY COLONIAL OFFICE OF CONSTITUTION OF PRIZE COURTS IN HIS MAJESTY'S DOMINIONS OVERSEA.(**a**)

(*To be substituted for the Notification on p.* 7291 *of the London Gazette of September* 15*th*, 1914.(**b**))

The Courts specified in the second column of the Schedule below have been duly constituted Prize Courts. They will probably, and subject in each case to the discretion of the Court, sit at the

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(**a**) This Notification was published in the "London Gazette" of October 9th, 1914.

(**b**) That Notification which was dated September 14th was also published in the "Edinburgh Gazette" of September 18th, 1914; and in the "Dublin Gazette" of September 18th, 1914.

places specified in the third column. The officers named in the fourth column have been authorised to conduct prize proceedings on behalf of the Crown within the jurisdiction of the Courts against which their names are respectively written, and enquiries with regard to the release of cargoes other than enemy cargoes laden on enemy ships should, except where otherwise stated, be made to such officers.

Schedule.

——	Name of Court.	Where Located.	Officer.
Australia, Commonwealth of.	Supreme Court of New South Wales.	Sydney, New South Wales.	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	,, Victoria ...	Melbourne ...	,, ,,
Australia, Commonwealth of.	,, Queensland	Brisbane ...	,, ,,
Australia, Commonwealth of.	,, South Australia.	Adelaide ...	,, ,,
Australia, Commonwealth of.	,, Western Australia.	Albany (or Perth)	,, ,,
Australia, Commonwealth of.	,, Tasmania	Hobart	,, ,,
Bahamas ...	,, Bahamas...	Nassau	Attorney General.
Bermuda ...	,, Bermuda...	Hamilton, Bermuda.	,, ,,
British Guiana ...	,, British Guiana.	Georgetown ...	,, ,,
British Honduras	,, British Honduras.	Belize	,, ,,
Canada	Exchequer Court of Canada (or Local Judges in Admiralty).	Quebec	Deputy Minister of Justice.
,, ...	Exchequer Court of Canada (or Local Judges in Admiralty).	Halifax, Nova Scotia.	,, ,,
,, ...	Exchequer Court of Canada (or Local Judges in Admiralty).	St. John's, New Brunswick.	,, ,,
,, ...	Exchequer Court of Canada (or Local Judges in Admiralty).	Victoria, British Columbia.	,, ,,
,, ...	Exchequer Court of Canada (or Local Judges in Admiralty).	Charlottetown, Prince Edward Island.	,, ,,
Ceylon	Supreme Court of Ceylon ...	Colombo ...	Attorney General. Application for release to be made to Principal Collector of Customs
Falkland Islands	Supreme Court of Falkland Islands.	Stanley ...	Thomas Nelson Goddard, Esq., Stanley.
Fiji	,, Fiji ...	Suva	Attorney General.
Gibraltar ...	,, Gibraltar ...	Gibraltar ...	,, ,,
Hong Kong ...	,, Hong Kong	Hong Kong ...	Crown Solicitor.
Jamaica ...	,, Jamaica ...	Kingston (or Port Royal).	,, ,,
Leeward Islands	,, Leeward Islands.	Antigua (St. John's).	Attorney General.
Malta	Commercial Court of Malta	Malta (Valletta)	Crown Advocate.

—	Name of Court.	Where Located.	Officer.
Mauritius ...	Supreme Court of Mauritius	Port Louis, Mauritius	Procureur General.
Newfoundland...	,, Newfoundland	St. John's, Newfoundland.	Attorney General.
New Zealand ...	,, New Zealand	Dunedin ...	,, ,,
,,	,, ,,	Wellington ...	,, ,,
,,	,, ,,	Christchurch ...	,, ,,
,,	,, ,,	Auckland ...	,, ,,
Sierra Leone ...	,, Sierra Leone	Sierra Leone (Freetown).	,, ,,
South Africa, Union of	The Cape of Good Hope Provincial Division of the Supreme Court.	Simon's Bay or Capetown.	Messrs. Fairbridge, Arderne and Lawton, Capetown.
South Africa, Union of.	The Natal Provincial Division of the Supreme Court.	Durban ...	Mr. Calder, Attorney, Durban.
Straits Settlements.	Supreme Court of Straits Settlements.	Singapore ...	Attorney General.
Trinidad ...	Supreme Court of Trinidad	Port of Spain ...	,, ,,
Windward Islands.	Royal Court of St. Lucia ...	St. Lucia (Castries).	T. A. Drysdale, Esq., Stipendiary Magistrate, 1st District.

TERRITORIES UNDER THE GOVERNMENT OF INDIA.

—	Name of Court.	Where Located.	Officer.
India	High Court of Judicature, Calcutta.	Calcutta ...	Solicitor to Government.
,, ...	High Court of Judicature, Bombay.	Bombay ...	Solicitor to Government.
,, ...	High Court of Judicature, Madras.	Madras... ...	Solicitor to Government.
,, ...	Court of the Judicial Commissioner in Sind.	Karachi ...	Government Pleader of Judicial Commissioner's Court, Sind.
Burma	Chief Court of Lower Burma	Rangoon ...	Government Advocate.
Aden	Court of the Resident ...	Aden	Second Assistant to Political Resident.

Colonial Office,
8th October, 1914.

TRADING WITH THE ENEMY.

PROCLAMATION, DATED OCTOBER 8, 1914,(a) AMENDING THE TRADING WITH THE ENEMY PROCLAMATION NO. 2.

1914. No. 1479.

BY THE KING.

A Proclamation relating to Trading with the Enemy.

George R.I.

Whereas it is desirable to amend Our Proclamation of the 9th September, 1914, called "The Trading with the Enemy Proclamation, No. 2"(b):

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows:—

1. Paragraph 5, heading (6), of the Trading with the Enemy Proclamation, No. 2, is hereby revoked, and in lieu thereof the following heading shall be inserted in the said Paragraph 5 as from the date hereof:—

(6) "Not to make or enter into any new marine, life, fire or other policy or contract of insurance (including re-insurance) with or for the benefit of an enemy; nor to accept, or give effect to any insurance of, any risk arising under any policy or contract of insurance (including re-insurance) made or entered into with or for the benefit of an enemy before the outbreak of war; and in particular as regards Treaties or Contracts of re-insurance current at the outbreak of war to which an enemy is a party or in which an enemy is interested not to cede to the enemy or to accept from the enemy under any such Treaty or Contract any risk arising under any policy or contract of insurance (including re-insurance) made or entered into after the outbreak of war, or any share in any such risk."

2.—(1) The expression "Order of Council made and published on the recommendation of a Secretary of State" in Paragraph 5, heading (10), of the Trading with the Enemy Proclamation, No. 2, shall, as regards persons resident carrying on business or being in Our Dominions beyond the Seas, be taken to mean an Order of the Governor in Council published in the Official Gazette.

(2) The expression "Governor in Council" in this Paragraph means as respects Canada the Governor-General of Canada in Council, as respects India the Governor-General of India in

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(a) This Proclamation was published in the "London Gazette" of October 8th, 1914, being a Supplement to the Gazette of October 6th; in the "Edinburgh Gazette' of October 9th, 1914; and in the "Dublin Gazette" of October 9th.

(b) Printed at p. 378 above under the heading "TRADING WITH THE ENEMY."

Council, as respects Australia the Governor-General of Australia in Council, as respects New Zealand the Governor of New Zealand in Council, as respects the Union of South Africa the Governor-General of the Union of South Africa in Council, as respects Newfoundland the Governor of Newfoundland in Council, and as respects any other British Possession the Governor of that Possession in Council.

3. The power to grant licences on Our behalf vested by Paragraph 8 of the Trading with the Enemy Proclamation, No. 2, in a Secretary of State may be exercised in Canada, India, Australia and the Union of South Africa by the Governor-General, and in any British Possession not included within the limits of Canada, India, Australia or South Africa by the Governor.

4. In this Proclamation the expression "Governor-General" includes any person who for the time being has the powers of the Governor-General, and the expression "Governor" includes the Officer for the time being administering the Government.

5. Notwithstanding anything contained in Paragraph 6 of the Trading with the Enemy Proclamation, No. 2, where an enemy has a branch locally situated in British, allied or neutral, territory, which carries on the business of insurance or re-insurance of whatever nature, transactions by or with such branch in respect of the business of insurance or re-insurance shall be considered as transactions by or with an enemy.

6. This Proclamation shall be read as one with the Trading with the Enemy Proclamation, No. 2.

Given at Our Court at Buckingham Palace, this Eighth day of October, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

God save the King.

INDEX

TO THE WHOLE CONTENTS OF THE

MANUAL.

NOTE DESCRIBING THE PLAN AND SCOPE OF THE INDEX.

To each of the Statutes, or other Emergency Legislative Documents, comprised in the volume, reference is given under the subject heading selected for grouping, or, if such heading varies from the "short title," under *both* heading *and* short title.

Under each Department of the Executive reference is given to that Department's powers under Statutes passed **in consequence of the Emergency**, and to the Emergency Orders, Rules, &c., thereunder, **or otherwise**, made by them.

The sidenote of each section of a statute, or article of an Order in Council, has purposely *not* been set out in numerical order under the main reference to the Document, it being thought preferable to give in that reference a brief indication of the Document's scope, and to enter it also under other headings to which it relates. Cross references from one part of the Index to another are employed where necessary, but, as a rule, direct reference from Index to text has been made.

Repealed or revoked documents (all references to which are in *italics*) are *not* indexed in detail.

Certain Orders in Council, &c., have required special treatment in the Index. The "Aliens Restriction" Order and the "Defence of the Realm" Regulations are Codes calling for entry under many other headings than those two primary ones, and these supplementary entries give, besides page references, the Article of either Code immediately in reference. Where, as in the cases of the Defence of the Realm Acts and Regulations, and of the Proclamations and Orders of Council as to Exportation, a series of Amending Orders has made it necessary for convenient reference to reproduce the net result of documents thus complicated in a consolidated form in Appendices (*e.g.*, Appendices A and B), the Index gives the page reference to the Act or Order as made, and also, but in **thick type,** an additional reference to the consolidated reproduction. Similarly in indexing the Declaration of London the references to the actual text of the Declaration are in ordinary figures, and those to the "Commentary" (pp. 464-514) in **thick** ones.

To the important Prize Court Procedure Code a separate detailed index is given in the main text (pp. 353-364) and to the "Orders" as to Contraband of War, and Goods prohibited for Exportation, Appendix A constitutes indexes. This has rendered it unnecessary to encumber the main Index by such specific reference to the detail of each Rule or the name of each "contraband," or "non-exportable," article as would otherwise have been necessary.

Where by the Emergency Legislation a Statute ("Emergency" or not) has been amended, extended, or applied, that Statute will be found in the Index under its short title.

Supplementary Notes to further facilitate reference have been added.

Attention is directed to the Note at p. 532, which describes the plan of the INDEX *and its scope.*

INDEX.

PAGE

Accessory and Abettor. *See* **Aiding or Abetting.**

Accounts
of capital expenditure under Housing No. 2 Act, 1914 (c. 52), s. 2 (5), and amendment Act (c. 71) to be laid before House of Commons 18, 29

Accoutrements. *See* **Uniform.**

Aden. Court of the Resident constituted a Prize Court 527

Admiralty.
POWERS UNDER EMERGENCY STATUTES:—
under Defence of the Realm Acts, 1914 (c. 29, s. 1; c. 63, s. 1), to be conferred by Regulations thereunder ... 13, 22, **409**
Injuries in War (Compensation) Act, 1914 (c. 30) 14
to apply to Navy provisions of Army Act as to:—
billeting, c. 70, s. 1 28
impressment of carriages, &c., c. 70, s. 1 28
pledging of uniforms, certificates, &c., c. 89, s. 1 46
EMERGENCY ORDERS OF OR DIRECTLY CONCERNING:—
Extension of Service of time-expired men 205
Calling Officers into Active Service 206
Calling out Naval Reserves 206
Proclamation calling on all subjects to obey Admiralty regulations 145
Defence of the Realm Regulations conferring powers on Admiralty and "Competent Naval Authority" appointed by them 146–155, **409–417**
Distribution of Naval Prize 208
Separation Allowances to Seamen's Wives and Children 209–211
See also **Billeting; Injuries in War; Requisitions of Emergency.**
PRIZE COURTS. Constitution of Courts and Procedure thereof. *See* **Prize Courts.**
TRANSPORT ARBITRATION BOARD. Constitution of... 390

Aerial Navigation. *See* **Aircraft.**

Affidavits.
in Prize Court cases generally 281
as to Ships' Papers 265
A full Index to the Prize Court Rules and Forms is printed... ... 353–361

Affiliation, Order of.
Courts (Emergency Powers) Act (c. 78), s. 1 (1) not to apply to enforcement of 114

Agent:
of person trading in enemy country (c. 87), s. 2 (2) (c) 44

Agriculture, Boards of, *see* **Board of Agriculture and Fisheries; Board of Agriculture for Scotland; Department of Agriculture, &c., Ireland.**

Aiding or Abetting in commission of act prohibited by special regulations equivalent to commission. (Defence of the Realm Regs., 26) 150, **416**

Aircraft.
Order of Secretary of State prohibiting navigation of 47
Requisitioning of by military officers 90–93
" " naval officers 220–226
Restrictions on possession of by aliens (Aliens Restriction (Cons.) Order, Arts. 6, 22) 69, 74

PAGE

Alarm, Report likely to cause.
Power to prohibit spreading of (Defence of the Realm (No. 2) Act (c. 63)) 22, **409**
Spreading of, prohibited. (Defence of the Realm Regs., 21) ... 153, **414**

Alien Enemy. *See* **Enemy.**

Aliens Restriction. *See also* **Isle of Man.**
Act (c. 12) enabling imposition of restrictions by Order in Council 6
Aliens Restriction Order, 1914. (Aug. 5) 48
Aliens Restriction (No. 2) Order, 1914. (Aug. 10) 63
Aliens Restriction (No. 3) Order, 1914. (Aug. 12) 65
Aliens Restriction (No. 4) Order, 1914. (Aug. 20) 67
Aliens Restriction (Consolidation) Order, 1914 (Sept. 9), imposing restrictions on aliens entering or leaving United Kingdom and obligations on masters of vessels, providing as to residence and registration of aliens and restricting provision of firearms, &c., circulation of newspapers and carrying on banking by alien enemies... 68
Aliens Restriction (Change of Name) Order, 1914. (Oct. 8) ... 515
Home Office Statement as to Act and Orders 516

Allowances in respect of War Service.
To Constables. *See* **Police Constables.**
Wives, Children and Dependents of, and Children of Soldiers and Sailors 94, 209

Ally.
Conjunct capture with, of ship (*see* Naval Prize Act, 1864 (27 & 28 Vict. c. 25, s. 35)), procedure in Prize Court cases ... 288
A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

Animals.
Diseases of. **Diseases of Animals.**
Impressment of. *See* **Requisitions of Emergency.**
Slaughter of. **Slaughter of Animals.**

Appeals to His Majesty in Council. *See* **Judicial Committee.**

Appropriation Accounts.
Housing accounts to be audited as (c. 52, s. 2 (5); c. 71) 18, 29

Arbitration
by Admiralty Transport Arbitration Board as to payment for use of ships requisitioned as Transports and Auxiliaries 390
by Judge of High Court or Court of Session as to price of article unreasonably withheld from market (c. 65, s. 2) 24

Area. *See* **Proclaimed Area; Prohibited Area.**

Arms and Ammunition.
ALIENS, RESTRICTIONS ON AS TO:—
Bringing of arms, &c, into U.K. by any Alien and possession of by Alien Enemies prohibited. (Aliens Restriction (Consolidation) Order. 1914, Arts. 6, 22) 69, 74
DEFENCE OF THE REALM REGULATIONS AS TO:—
Duty of any person to inform competent naval or military authority of unlawful possession of. (Defence of the Realm Regs., 10) 147, **412**
EXPORTATION OF. Prohibited. *See* **Exportation.**

Army.
Continuation of Soldiers in Army service 86
Calling out of Army Reserve; embodiment of Territorial force ... 87
Additions to numbers of regular army 93, 94
Increase of Separation Allowances for wives and children of soldiers 94
Army Pensions Act, 1914 (c. 83) providing for payment in advance of pensions 40
Army (Supply of Food, Forage, and Stores) Act, 1914 (c. 26) enabling requisitioning of food, forage and stores 11
See also **Billeting; Requisitions of Emergency.**

PAGE

Army Act (44 & 45 Vict. c. 58).
[*Note.*—As to the amendments made in, and the reprinting as so amended of this Act, *see* footnote (**a**), p. 11.]
BILLETING IN CASES OF EMERGENCY (s. 108A) :—
[s. 108A making in case of emergency persons other than keepers of victualling houses liable to billets, was added by 9 Edw. 7. c. 3, s. 7, and amended by 3 Geo. 5. c. 2, s. 4.]
Orders as to military billeting 88–90
provisions of (s. 108A, &c) extended (c. 70) to naval forces ... 28
modifications of Act in such extension to naval forces ... 212–220
REQUISITIONS OF EMERGENCY (s. 115) :—
Act (c. 26), extending s. 115 of Army Act to food, forage and stores 11
[s. 115 was also amended and extended by the Army Annual Acts of 1888, 1909, 1913, and 1914.]
Orders as to military requisitions of emergency 90–93
provisions of (s. 115, &c.) extended (c. 70) to naval forces ... 28
modifications of Act in such extension to naval forces ... 220–226
PENALTY ON PURCHASING, &c., FROM SOLDIERS, EQUIPMENT, &c. (s. 165) :—
[s. 165 was extended by Army Annual Acts, 1891, 1904 and 1909.]
provisions of s. 165 extended (c. 89) to naval forces 46

Ammunition. *See* **Arms and Ammunition.**

Army Council.
Note :—The Army Council was first constituted by Letters Patent of February 6th, 1904; on any change in the Members of the Council new Letters Patent are issued in the form printed in "Statutory Rules and Orders, 1912," p. 1249. Certain powers of the Secretary of State, &c., were transferred to the Council by the Army Annual Act, 1909 (9 Edw. 7, c. 3), s. 4, and the resulting modifications appear in Army Act as annually reprinted. *See* footnote (**a**), p. 11.
POWERS UNDER EMERGENCY STATUTES :—
Army Pensions Act (c. 83) 40
Defence of the Realm Acts, 1914 (cc. 29, 63) 13, 22, **409**
Injuries in War (Compensation) Act, 1914 (c. 30) 14
EMERGENCY ORDERS MADE BY OR ON REPRESENTATIONS OF.
Proclamation calling on all subjects to obey Army Council regulations 145
Defence of the Realm Regulations conferring powers on Army Council, and "competent naval authority" appointed by them 146–155, [**409–417**
See **Billeting; Injuries in War; Requisitions of Emergency.**

Army Reserve.
CALLING OUT. Proclamation calling out the Reserve 87
ELECTORAL DISABILITIES. Removal of caused by absence on war service (c. 25) 11
FAMILY ALLOWANCES for police reservists (cc. 34, 80, 84) ... 15, 38, 41
HEALTH INSURANCE. Act (c. 81) extending s. 46 of the National Health Insurance Act, 1911, as to previously insured officers of the reserve 39
Regulations thereunder as to insurance of such officers ... 193–197, 525
Regulations under earlier powers (*see* note (**c**) p. 194) as to insurance of reservists 197–204
SUPERANNUATION ALLOWANCES of police reservists (cc. 80, 84) ... 38, 41

Army (Supply of Food, Forage and Stores) Act (c. 26), extending the provisions of the Army Act as to requisitions of emergency to such supply 11

Arrest.
OF SHIP. Procedure in Prize Court cases 269, 270, 288
A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.
OF SPIES. Home Office Statement as to 516
WITHOUT WARRANT of persons suspected of acting against the safety of the Realm, or of committing offence against regulations (Defence of the Realm Reg. 13) 148, **413**

PAGE

Articles of Commerce.
Act (c. 51) enabling the Board of Trade during a state of War to (under Proclamation) take possession of Foodstuffs unreasonably withheld 16
Articles of Commerce (Returns, &c.) Act, 1914 (c. 65), giving the Board of Trade powers during a state of War to obtain information as to quantity of Articles of Commerce in, or in transit to the United Kingdom, and for enabling (under Proclamation) Possession to be taken of any such Articles unreasonably withheld at price fixed by arbitration 23
Repeal of 4 & 5 Geo. 5, c. 51 by 4 & 5 Geo. 5, c. 65, s. 4 (3)... ... 25
Proclamation of September 17th, 1914, under 4 & 5 Geo. 5, c. 65, s. 2, authorising Board of Trade to take Possession of Supplies of any Articles of Commerce which are being unreasonably withheld from the Market 96

Assessors.
Trinity Masters or others in Prize Court cases... 277
A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

Attempts to Commit Offence.
Under special regulations equivalent to offence (Defence of the Realm Regs., 26) 150, **416**

Attorney-General.
(a) Consent of requisite to prosecution under Trading with the Enemy Act, 1914 (c. 87), ss. 1 (4), 4 (2) 43

Attorney-General for Ireland.
Consent of requisite to prosecution under Trading with the Enemy Act, 1914 (c. 87), ss. 1 (4), 4 (2) 43, 45

Audit of accounts under Housing (No. 2), Act (c. 52), s. 2 (5) ... 18

Australia, Commonwealth of.
Supreme Court of each of the 6 States constituted a Prize Court ... 527
Trading with the Enemy, powers of Governor-General 530

Austria-Hungary. *And see* **Enemy.**
Notification of State of War with 1
Proclamation applying to Austria-Hungary certain Proclamations and Orders in Council directed to the War with Germany ... 97
Exequaturs of subjects of exercising Consular functions for Third Powers revoked 106

Bahamas. Supreme Court constituted a Prize Court 527

Bail.
Procedure as to in Prize Court cases 271
A full Index to the Prize Court Rules and Forms is printed... 353–364

Baltic Ports.
Exportation to of certain goods prohibited ... 160–176, 520, **403–407**

Bank of England.
Limitation on note issue as fixed by law before the Emergency (*footnote* (c)) 10
Currency and Bank Notes Act, 1914 (c. 14) empowering Bank to issue notes in excess of limit so fixed 9
Payment by, in coin for currency notes, and postal orders, at face value (c. 14, ss. 1 (3) (6)) 9
Correspondence between Treasury and Bank, as to assistance in regard to Bills of Exchange 101
Representation of, on Admiralty Transport Arbitration Board ... 392

Bank Holidays.
Proclamation appointing Tuesday, Wednesday and Thursday, August 4th, 5th and 6th, 1914, Bank Holidays throughout the United Kingdom 99
Similar Order in Council and Proclamation of the Lord Lieutenant... 100

(a) A list of the other enactments making the like consent a condition precedent, will be found in the 30th (1914) Edition of the Index to the Statutes in Force (now in the press) under the heading "Attorney-General."

PAGE

Bank Notes. *See also* **Bank of England.**
Act (c. 14, s. 3) empowering Bank of England and Scottish and Irish Banks of Issue to issue notes in excess of limit fixed by law 10
Scottish and Irish excess issues covered by Currency Notes (Treasury Memorandum) 137
Scottish and Irish Bank notes legal tender (in Scotland or Ireland) for any amount **(a)**; payable only at head office and there in Currency Notes (c. 14, s. 4) 10

Banking Business.
Carrying on of, by Alien Enemies (Aliens Restriction (Consolidation) Order, 1914, Art. 24) 75

Bankruptcy Petitions.
Stay of Proceedings under Courts (Emergency Powers) Act (c. 78), s. 1 (3) 36

Beacons.
Lighting fire or showing light on hill within radius of defended harbour prohibited (Defence of the Realm Regs., 22) ... 149, **415**

Belgium.
Ports of, excepted from certain prohibitions on exportation **406**
„ „ trading with excepted from provisions as to certificates of origin, and declaration of ultimate destination 521

Bermuda. Supreme Court constituted a Prize Court 527

Bill of Exchange.
BILLS PAYABLE OUTSIDE THE BRITISH ISLANDS. Bills of Exchange Act, 1914 (c. 82), excusing delay in presentment of bills due to War and providing for proof by copy certified by notary public of bill lost owing to War 40
POSTPONEMENT OF PAYMENT OF BILLS. *See* **Postponement of Payment.**
Correspondence between the Treasury and the Bank of England and statements appearing in the Press as to Government Assistance with regard to pre-moratorium bills 101–106

Billeting in Cases of Emergency (Army Act, s. 108A).
[s. 108A, making in case of emergency persons other than keepers of victualling houses liable to billets was added by 9 Edw. 7. c. 3. s. 7. and amended by 3 Geo. 5, c. 2, s. 1.]
ARMY BILLETING :—
Orders authorising General or Field Officers to issue requisitions 90–93
NAVAL BILLETING :—
Act (c. 70) extending to the Naval Forces the provisions of the Army Act as to such requisitions 28
Modifications effected in the Army Act as so applied ... 220–226

Black Sea Ports (except Russian).
Exportation to of certain goods prohibited ... 160–176, 520, **403–407**

Blockade (in Time of War).
To be binding must be maintained by prevention of access to enemy's coast-line and be declared and notified. (Declaration of Paris; Declaration of London, Arts. 3. 8. 9, 11, 16. and "Commentary" thereon) [446, 449–451, **468, 471–476**
Arts. 1–21 of Declaration of London relating to blockade and "Commentary" thereon 449–451, **468–478**
Order in Council (Aug. 20th, 1914) directing that during the War the Declaration of London shall, subject to modifications as to **Contraband** (q.v.) and to a provision as to what ships the existence of blockade shall be presumed to be known to, be put in force as if it had been ratified and that all Prize Courts shall construe and interpret the Declaration by the light of the Commentary on the Declaration forming the General Report of the Drafting Committee on the Declaration 143

(a) This provision is revocable by Proclamation: it has not (October 9th, 1914) been so revoked.

PAGE

Board of Agriculture and Fisheries (a): Powers of—
  Housing (No. 2) Act (c. 52), ss. 1, 2, to acquire and dispose of lands and buildings for housing in agricultural districts 17
  Slaughter of Animals Act (c. 75), s. 1 31
  Order of the Board (Aug. 6th) suspending the operation of certain Orders under the Diseases of Animals Acts (**a**) 158

Board of Agriculture for Scotland (a): Power of, under—
  Housing (No. 2) Act, 1914 (c. 52), s. 3 (2), to acquire and dispose of land and buildings for housing in agricultural districts 19
  Slaughter of Animals Act, 1914 (c. 75), s. 2 31

Board of Customs and Excise. *See* **Contraband; Exportation; Importation.**

Board of Education. *See* **School Teachers Superannuation.**

Board of Inland Revenue. *See* **Death Duties (Killed in War) Act, 1914; Stamp Duties.**

Board of Trade.
  POWERS UNDER EMERGENCY STATUTES:—
    under Articles of Commerce (Returns, &c.) Act (c. 65)(**b**), power to require returns of any articles, and if authorised by Proclamation, to take possession of same and to make interdepartmental arrangements with other Departments to exercise powers on behalf of Board 23
    under Customs (Exportation Prohibition) Act (c. 64) to recommend variance of Proclamations by Order of Council ... 23
    under Patents, Designs and Trade Marks (Temporary Rules) Act (c. 27) and Amendment Act (c. 73) to make Rules for the avoidance, or suspension, of Patents, Designs and Trade Marks where the proprietor is a subject of any enemy State, and to grant licences in respect thereof to persons other than subjects of enemy States 12, 30, **439**
    under Trading with the Enemy Act (c. 87), to lay information or give authority to inspect books and documents and to apply for the appointment of a controller of a firm or company 42–45
  EMERGENCY ORDERS OF OR DIRECTLY CONCERNING:—
    Exportation, Orders of Council prohibiting, made on Board's recommendation 170–176, 520
    Patents, Designs and Trade Mark Rules made by Board 226–236
    Railroads, President of Board empowered by Warrant to take possession of 369
    Trading with the Enemy, Licences of Board under par. 8 of Proclamation No. 2 ... ... 381, 383
      Announcement as to British cargoes in enemy ships in neutral ports 383
      Certificates of Origin, or Declarations of Ultimate Destination, Notice by Board as to 521
    Proclamations and Orders in Council made on the representation of the Board or conferring powers on them are indexed under the subject-matter.

Boats. *See* **Vehicles and Vessels.**

Bombay: High Court of Judicature constituted a Prize Court ... 527

Books or Documents, Inspection of. *See* **Trading with the Enemy.**

(**a**) As regards the two Emergency Acts (cc. 52, 75) the powers of the two Boards are confined to England and Scotland respectively, but as regards the Diseases of Animals Acts under which the Emergency Order of Aug. 6th was made the Board of Agriculture and Fisheries powers extend to Scotland and the Scottish Board has no powers.

(**b**) This Act repealed the Unreasonable Withholding of Food Supplies Act, 1914, which also conferred powers on the Board, but under which no Proclamation was ever issued.

PAGE

Branch of Enemy's Business, Transactions with. *See* **Trading with the Enemy.**

Breeding Stock of Animals.
Maintenance of, by prohibition of Slaughter by Order (c. 75) ... 31

British Guiana. Supreme Court constituted a Prize Court ... 527

British Honduras. Supreme Court constituted a Prize Court ... 527

British Possession.
Exportation of provisions and victual to 165-174, **405**
Prize Courts, Notification as to constitution of 527
" " Operation in of 1914 Rules as from (local) proclamation 299
Trading with the Enemy, powers of Governors 530

British Protectorate and Protected State.
Exportation of provisions and victual to 165-174, **405**

British Ships.
Requisitioning of, as transports and auxiliaries, and payment for same 386-395

Buildings. *See also* **Entrance by Force.**
Power to take possession of, to place in state of defence, or to destroy (Defence of the Realm Regs., 2) 146, **410**

Burgh Police (Scotland) Act, 1892 (55 & 56 Vict. c. 55).
Ss. 96-98 (relating to special constables in burghs) extended with modifications to counties (4 & 5 Geo 5. c 53, s. 2) 19
These sections as so modified and applied are printed in Appendix E 440

Burma : Chief Court of Lower Burma constituted a Prize Court ... 527

Calcutta : High Court of Judicature constituted a Prize Court ... 527

Camerâ : Hearing of cases in camerâ under English, Scottish, and Irish Rules of Court. Courts (Emergency Powers) Act. 1914 118, 126, 132

Canada.
Exchequer Court of (or Local Judges in Admiralty) at Quebec, Halifax (Nova Scotia), St. Johns (New Brunswick), Victoria (British Columbia), and Charlottetown (Prince Edward Island) —constituted Prize Courts 527
Trading with the enemy, Powers of Governor-General 530

Cape of Good Hope: Provincial division of Supreme Court constituted a Prize Court 527

Capital Expenditure Money Act, 1904 (4 Edw. 7. c. 21).
Applied to Housing expenses (c. 52, s. 2 (4) ; c. 71) 18, 29

Cargo.
Restitution or sale of, procedure in Prize Court cases... ... 285, 296
A full Index to the Prize Court Rules and Forms is printed at pp. 353-361.

Carriages. *See* **Vehicles.**

Carrier Pigeons. *See* **Pigeons.**

Censorship, cable and postal : Home Office Statement, as to ... 516

Certificates entitling to issue of Currency Notes. *See* **Currency Notes.**

Certificate for sale of Exciseable Liquors in Scotland.
Restriction on sale of exciseable liquors by holder of under Intoxicating Liquor (Temporary Restriction) Act (c. 77) 33

Certificates of Naval Service.
Extension of Army Act, s. 156, with adaptation to (c. 89) 46

Certificates of Origin of Merchandise required in certain cases ... 521

Ceylon : Supreme Court constituted a Prize Court 527

Change of name by Alien enemy after commencement of War prohibited 515

Channel Islands. *See* **Exportation ; Jersey ; Wireless Telegraphy.**

PAGE

Children of Absentee on War Service.
Poor relief received by, not to disqualify father as elector 11
Separation allowances to, where father a Constable. *See* **Police Constables.**
" " " Sailor or Soldier ...94, 209

Chronological Table of Emergency Legislation (Aug. 1st to Sept. 30th) ... ... v–xi

Civilians.
Compensation granted to, whilst employed afloat, for injuries in War, excluded from claiming other compensation or damages ... 14

Clubs.
Closing of, frequented by alien enemies: search (Aliens Restriction Order, Art. 25) 76
Subject to order of restriction under Intoxicating Liquor (Temporary Restriction) Act (c. 77), s. 1 (1) 33

Colonial Office. *See* **Secretary of State.**
Notification by Secretary of State as to constitution of Prize Courts in His Majesty's Dominions Oversea 527

Common Law.
Damages excluded where compensation under scheme (c. 30, s. 1 (3)) 14
Penalty on contravention of by trading with enemy (c. 87) 42

Company. Liability of directors, secretary, &c. for trading with the enemy; inspection of books; appointment of receiver. *See* Trading with the Enemy Act (c. 87), ss. 1 (3), 2 (1) (2), 3 ... 43–5

Compensation: Under Injuries in War (Compensation) Act, 1914 (c. 30) 14
Where capture of Vessel or Goods not upheld by Prize Court (Declaration of London, Art. 64) 462, **509–511**

Comptroller and Auditor General.
Audit by, and Report on Housing Accounts (c. 52, s. 2 (5); c. 71)... 18, 29

Consolidated Fund.
Issue out of, for Housing purposes (c. 52, s. 2) 18
Charge of War Loan on (c. 60, s. 1 (2)) 20

Conspiracy by alien enemies: Home Office Statement as to ... 516

Constables *See* **Police; Police Constables; Special Constables.**

Constabulary (Ireland). *See* **Police Constables.**

Constabulary (Ireland) Acts, 1836 to 1908.
Power by Order in Council to apply any of the provisions of these Acts to **Special Constables** (q.v.), 4 & 5 Geo. 5. c. 61, s. 1... 20

Consular Representatives.
Royal Warrant revoking exequaturs of German or Austro-Hungarian subjects, as consular representatives of third Powers 106

Contraband of War
LIST OF CONTRABAND GOODS:
Lists of Articles which may be treated as absolute and conditional contraband respectively (Declaration of London. Arts. 22, 24) 452, 453, **479–481**
Additions to lists by notified declarations (Declaration of London, Arts. 23, 25) 452, 453, **480–482**
Waiver of right to treat article as contraband by notified declaration (Declaration of London, Art. 26) 454, **482**
Articles which may not be declared or treated as contraband (Declaration of London, Arts. 27-29) 454, **482–484**
Proclamation (Aug. 4th, 1914) specifying Lists of Articles to be treated as Absolute and Conditional Contraband respectively during the War with Germany 108
Proclamation (Aug. 12th) extending that of Aug. 4th to Austria-Hungary 97

PAGE

Contraband of War—*continued.*
  Order in Council (Aug. 20th) directing that the Declaration of London shall during the War be put in force as if it had been ratified by H.M., subject to the substitution of the Lists of Absolute and Conditional Contraband contained in the Proclamation of Aug. 4th for those in Arts. 22, 24 of the Declaration (**a**), and that all Prize Courts shall construe and interpret the Declaration by the Light of the Commentary on the Declaration forming the General Report of the Drafting Committee on the Declaration ... 143
  Proclamation (Sept. 21st), declaring that notwithstanding Art. 28 of the Declaration of London certain additional Articles shall be treated as Conditional Contraband ... 111
  Lists of Absolute and Conditional Contraband **407, 408**
  LIABILITY TO CAPTURE :—
    Proclamation (Aug. 5th) that British ships carrying contraband from one foreign port to another are liable to capture ... 110
    Enemy contraband under neutral flag, and neutral contraband under enemy flag liable to capture. (Declaration of Paris) ... 446
    of Absolute Contraband ; destination. (Declaration of London. Arts. 30–32) 455, **484, 485**
    of Conditional Contraband ; destination. (Declaration of London, Arts. 33–36) 455, 456, **486–489**
    Order in Council (Aug. 20th, 1914) ordering that during the War the Declaration shall, subject to a modification (**b**) as to the liability of conditional contraband to capture, be put in force as if it had been ratified, and directing that all Prize Courts shall construe and interpret the Declaration by the light of the Commentary on the Declaration forming the General Report of the Drafting Committee on the Declaration ... 143
  CONDEMNATION OF, AND OF VESSELS CARRYING (Declaration of London, Arts. 39–44) 457, **489–492**
    Order in Council (Aug. 20th, 1914) putting the Declaration in force as stated under "LIABILITY OF CAPTURE" above ... 143
    Enemy Merchant Ships in British Ports at outbreak of hostilities not to ship, and to discharge already loaded contraband. (Order in Council, Aug. 4th. Arts. 3, 4) 139

Contract
  with enemy government amounts to high treason 177
  with, or for benefit of, an enemy prohibited. (Trading with the Enemy Proclamation (No. 2)) 378
  postponement of payment under, by Proclamation :—
    under Postponement of Payments Act (c. 11), s. 1 5
      Proclamations so postponing 238–248
  postponement of payment under, by Court (c. 78, s. 1) 35

Controller of Firm or Company. *See* **Receiver and Manager.**

Convoy.
  Neutral vessels under National convoy exempt from search. (Declaration of London. Arts. 61, 62, *and Commentary*) ... 461, **506–508**

Costs :
  in Appeals to Judicial Committee 435, 436, 438
  of applications under Courts (Emergency Powers) Act (c. 78) ... 119
  in Prize Court cases 278, 279
    A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

(**a**) As to other modifications of the Declaration. *see* LIABILITY TO CAPTURE below and **Blockade.**.

(**b**) As to other modifications of the Declaration as put in force, *see* LIST OF CONTRABAND GOODS above, and **Blockade.**

PAGE

County Courts, England.
- Applications to, under Court (Emergency Powers) Rules and Directions, *see* **Courts (Emergency Powers).**
- County Court Rule (O. VII., r. 36 (2) (3)), having reference to the Postponement of Payments Act (c. 11), and Proclamations thereunder 112
  - [The code of County Court Rules as consolidated in 1903 is printed in the "Statutory Rules and Orders Revised" (1904), Vol. III. "County Court, England," pp. 89–578. During the subsequent 10 years there have been made 12 sets of amending Rules, all of which except the above "Emergency" Rule, and those as to Agricultural Holdings and Trade Unions (Order XLIB) are as from November 1st, 1914, consolidated as "The County Court Rules, 1914 (No. 3) (1914, No. 1299).]
- Treasury Order as to Fee, on summons under Courts (Emergency Powers) Act and Rules 115

County Courts, Ireland.
- Applications to under (Irish) Court (Emergency Powers) Rules 127–136

Court of Session—
- Powers of under Emergency Statutes :—
  - judge selected by Lord President to arbitrate as to price of Articles taken possession of under Proclamation (c. 65), s. 2 (1) 24
  - to make Act of Sederunt and give directions under Courts (Emergency Powers) Act (c. 78), ss. 1 (5), 2 (2) 36
  - to appoint receiver and manager on application of Board of Trade under Trading with the Enemy Act (c. 87), ss. 3, 4 (3) 45

Courts. *See* **County Courts; Court of Session; Courts (Emergency Powers); Courts Martial; High Court; Prize Courts; Summary Jurisdiction.**

Courts (Emergency Powers) :—
- Act (4 & 5 Geo. 5. c. 78) giving, in connexion with the present War, further powers to Courts in relation to the remedies for the recovery of money, and in relation to other similar matters ... 35
- Courts (Emergency Powers) Order, 1914 (Order in Council) ... 114
- Rules and Directions made by the Lord Chancellor :—
  - Courts (Emergency Powers) Rules, 1914 (Sep. 8th), and prescribing certain fees 115–120
  - Directions (Sept. 11th) for Judges and Registrars of County Courts 120
  - Further Directions (Sept. 17th) to County Courts 121
  - Directions (Sept. 17th) as to Courts of Summary Jurisdiction 124
  - Additional Rule (Sept 18th), Rule 4A 124
- Act of Sederunt of Court of Session, Scotland 125
- Rules made by the Lord Chancellor of Ireland 127–136

Courts Martial, Trial by.
- Authorised by Defence of the Realm Act (c. 29) for contravention of Regulations 13
- Liability thereto, and to penal servitude for life, of any person contravening provisions of Special Regulations (Defence of the Realm Regs., 27) 150, 153, **16**
- Home Office Statement as to 516

Currency Notes.
- Currency and Bank Notes Act, 1914 (c. 14), s. 1, authorising the issue by Treasury of currency notes for £1 and 10*s*. 9
- Notes payable in gold on demand at Bank of England (c. 14, s. 1 (3)) 9
- To be a floating charge on assets of persons to whom they are issued 10
- Arrangements made in accordance with Act for placing currency notes at disposal of banks for meeting exceptional demands 136
- Return of currency notes to be gazetted weekly 137
  - [These Returns commence with "London Gazette" of Aug. 28th, 1914, "Edinburgh Gazette" of Sept. 1st, and "Dublin Gazette" of Sept. 1st.]
- Currency and Bank Notes Amendment Act, 1914 (c. 72), empowering Treasury to call in notes for purposes of exchange and to give certificates covering issue of notes 29

PAGE

Customs and Excise, Board of. *See* **Contraband; Exportation; Importation; Trading with the Enemy.**

Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36).
  Certain articles if imported by aliens deemed to be within Table of s. 42 and forfeited (Aliens Restriction Cons. Order, Art 6) 70

Customs (Exportation Prohibition) Act, 1914 (c. 64) ... 23

Customs and Inland Revenue Act, 1879 (42 & 43 Vict. c. 21).
  Section 8 extended. (*See* **Exportation.**) (4 & 5 Geo. 5. c. 64) 23

Cyprus (a), Supreme Court of.
  Note as to constitution of this Court ... ... *footnote* (g) 253
  Act (c. 79) providing for exercise of prize jurisdiction by 37
  Order in Council conferring such jurisdiction on 253

"Days of Grace" to Enemy Ships.
  Convention VI. of the Hague Convention of 1907 relative to the status of merchant ships at the outbreak of hostilities 442
  Order in Council (Aug. 4, 1914) relating to detention of German ships in British ports or ports of British protectorates, &c. ... 138
  Order in Council (Aug. 12), Art. 3, applying that of Aug. 4th with variation of dates to Austria-Hungary 98
  Notifications of Foreign Secretary that Articles III. to VIII. of the Order in Council of August 4th :—
    will not come into operation as regards German ships ... 141
    will come into operation as regards Austro-Hungarian ships 142

Death Duties (Killed in War) Act, 1914 (c. 76).
  Act extending the remission of death duties in case of persons killed in, and remitting estate duty in respect of property passing more than once owing to deaths caused by the War 32

Declaration of London of 1909.
  Declaration concerning the Laws of Naval War. (Translation) 447–463
  Order in Council (Aug. 20, 1914) ordering that during the War the Declaration shall, subject to certain modifications, be put in force as if it had been ratified 143
  Commentary on the Declaration forming the General Report of the Drafting Committee on the Declaration **464–514**
  Order in Council (Aug. 20, 1914), directing that all Prize Courts shall construe and interpret the Declaration by the light of the said Commentary 143
  See also **Blockade; Contraband; Neutral Vessels.**

Declaration by Special Constable.
  Form of (Special Constables Order. 1914, Art. 3) 371

Declaration of Ultimate Destination of Merchandise required in certain cases; form of 523, 525

Decree.
  Suspension of right to enforce under Courts (Emergency Powers) Act (c. 78), ss. 1 (1) (*a*), 2 (2) 35

"Defended Harbour," meaning of. *See* **Harbour.**

Defence of the Realm. *See also* **Isle of Man.**
  Proclamation (Aug. 4th) regarding the Defence of the Realm ... 145
  Defence of the Realm Act. 1914. enabling the making during the War, by Order in Council of Regulations as to the powers and duties of the Admiralty, the Army Council, and the members of H.M.'s Forces, for securing public safety; the prevention of communications with the enemy, the safety of railways, &c., and the trial by court martial and punishment of persons contravening the same 13, **409**
  Defence of the Realm (No. 2) Act, 1914 (c. 63), extending the first Act 22, **409**

(a) *See also* **Exportation.**

PAGE

Defence of the Realm—*continued.*
Defence of the Realm Regulations, 1914 (Aug. 12th) 146–151
Defence of the Realm (No. 2) Regulations, 1914 (Sept. 1st), amending above 151–154
Order in Council (Sept. 17th), amending the Defence of the Realm Regulations 154, 155
These Regulations which confer powers on naval and military authorities for the defence of the realm and provide against communications with the enemy and obtaining information for disloyal purposes and for the safety of railways, &c., are reprinted in consolidated form **(a)** **409-417**
Home Office Statement as to the Acts and Regulations 516

Denmark.
Certificates of origin required as to imports from certain ports of ... 521

Department of Agriculture and Technical Instruction for Ireland: Powers and duties of, under Slaughter of Animals Act (c. 75), ss. 1, 2 31

Deportation of Aliens.
Under Aliens Restriction Consolidation Order, Art. 12 71
Note as to "non-emergency" statutory powers as to ... *footnote* **(b)** 7

Deposit, forfeit of.
Suspension of right to under Courts (Emergency Powers) Act (c. 78), s. 1 (1) (b) 35

Designs. *See* **Patents, Designs, and Trade Marks.**

Destination (ultimate) of merchandise.
Certificates of required in certain cases 523

Development Commissioners: concurrence of in acquisition by Boards of Agriculture and Local Government of land and buildings for housing purposes (Housing (No. 2) Act (c. 52) Amend. Act (c. 71)) ... 17, 29

Diligence.
Suspension of under Courts (Emergency Powers) Act (c. 78), ss. 1 (1) (a), 2 (2) 35

Directors and Officers of Company.
Liability of, for trading by the Company with the enemy (c. 87, s. 1 (3)) 43

Disaffection among H.M.'s Forces, Report likely to cause.
Power to prohibit spreading of (Defence of the Realm (No. 2) Act (c. 63) 22, **409**
Spreading of prohibited (Defence of the Realm Regs., 21) ... 153, **414**

Diseases of Animals.
Order of the Board of Agriculture and Fisheries suspending the operation of certain Tuberculosis, Parasitic Mange, Sheep-Dipping, and Sheep-Scab Orders 158

Distress.
Suspension of right to levy under Courts (Emergency Powers) Act (c. 78), s. 1 (1) (b) 35

District Registrar.
Applications to under Courts Emergency Powers Act (c. 78) ... 124

Docks.
Power to make regulations for safety of (c. 29), s. 1 (b) 13
Making photograph sketch, plan or model of, without permission prohibited (Defence of the Realm Regulations 15) 148, **413**

Documentary Evidence Acts.
Provisions of making this Manual *primâ facie* evidence of Proclamations &c, printed therein iv

Dominions. *See* **Exportation; Prize Courts; Trading with the Enemy.**

Dress or Accoutrements. *See* **Uniform.**

(a) As to Orders of Home Secretary thereunder *see* **Lights; Pigeons.**

PAGE

Dublin Gazette. For date of first gazetting of each Proclamation, Order, &c., so gazetted, *see* footnotes to Proclamations, &c. A return of Currency Notes is published weekly in this Gazette, commencing with the Gazette of Tuesday, September 1st, 1914

Dublin Metropolitan Police.
- Power by Order in Council to apply provisions of Acts relating to to **Special Constables,** (q.v.) 4 & 5 Geo. 5, c. 61, s. 1 … 20

Duration of Emergency Statutes. *See* **Statutes (Emergency).**

Durham Chancery Court.
- Applications to under Courts (Emergency Powers) Act (Courts (Emergency Powers) Rules, 1914, r. 15) … … … … 119

Dynamite. *See* **Explosive Substance.**

Early Closing of Licensed Premises or Club. *See* **Intoxicating Liquor.**

Edinburgh Gazette. For date of first gazetting of each Proclamation, Order, &c., so gazetted, *see* footnotes to Proclamations, &c. A return of Currency Notes is published weekly in this Gazette, commencing with the Gazette of Tuesday, September 1st, 1914

Education. *See* **School Teachers' Superannuation.**

Egypt (a), **His Britannic Majesty's Supreme Court for the Ottoman Dominions in:—**
- Note as to constitution of this Court … … … (*footnote* (e)) 253
- Power by Order in Council to confer prize jurisdiction on … … 37
- Order in Council conferring such jurisdiction … … … … 253

Electoral Disabilities.
- Electoral Disabilities (Naval and Military Service) Removal Act (4 & 5 Geo. 5. c. 25) removing electoral disabilities which may arise in the case of members of the Reserve and Territorial Forces and in the case of Volunteers by reason of absence on the Naval or Military service of the Crown … … … … 11

Elementary School Teachers (War Service Superannuation) Act (c. 66) … … … … … 25

Emergency Billeting. *See* **Billeting.**

Emergency Proclamations, Orders, Notifications, &c.
- These are indexed under their subject matter: Chronological Table of all those issued August 1st to September 30th… … … v–xi

Emergency Requisitions. *See* **Requisitions of Emergency.**

Emergency Statutes. *See* **Statutes (Emergency).**

Employers' Liability Act, 1880 (43 & 44 Vict. c. 42). *See* **Injuries in War.**

Enemy. *See also the headings immediately following.*
- ALIEN ENEMIES IN UNITED KINGDOM:—
  - Restrictions on Aliens entering, leaving, or residing in, the United Kingdom (Aliens Restriction Consolidation Order, 1914) 68–85
  - Alien enemy after October 12th to resume, or not to change, name he was known by at commencement of War … … 515
  - Remedies against subject of enemy state not affected by Courts (Emergency Powers) Act (c. 78), s. 1 (7) … … … 35
- PATENTS, DESIGNS AND TRADE MARK RIGHTS OF ENEMY:—
  - Acts empowering during the War the making of rules for avoidance or suspension of patents, and of the registration of designs and trade marks, and for the grant of licences as to patents and designs to persons other than enemy subjects (cc. 27, 73) … … … … … 12, 30, **439**
  - Rules for carrying out these provisions … … … 226–236
- PRIZE COURT CASES:—
  - Writ on application of, and appearance by, Alien Enemy … 264, 265

    A full Index to the Prize Court Rules and Form is printed at pp. 353–364.

(a) *See also* **Exportation.**

Enemy—*continued.* PAGE

Trading with the Enemy :—

"Enemy" defined for purposes of ; "incorporated body" when included (Proclamation No. 2, Art. 3) 379

Payments to, compromises with, and negotiable instrument and share transactions prohibited (Proclamation No. 2, Art. 5 (1)–(4)) 379

Transaction with enemy's "branch" in British, allied or neutral territory (Proclamation No. 2, Art. 6: Proclamation, October 8th, Art. 5) 380, 531

Importation of sugar produced by, prohibited (Proclamation, September 30th) 385

Insurance policy with or for benefit of, prohibited (Proclamation, October 9th, Arts. 1, 5) 530

Enemy Cargo. *See* **Enemy Ships (Liability to Confiscation).**

Enemy Flag.

Covers neutral goods except contraband (Declaration of Paris) ... 446

Enemy Ships.

Definition :

Enemy, Character of Ship, how determined. (Declaration of London, Arts. 55–60) 460, 461, **500–506**

"Days of Grace" to Merchant Ships—

Hague Convention (VI) of 1907, providing Arts. 1, 2, 5, for departure of merchant ships not convertible into war-ships from enemy port during "Days of Grace" 442, 443

Order in Council (August 4th) providing (Arts. 3–8) as to the treatment to be accorded to German merchant ships in British Ports at the outbreak of hostilities (or in specified circumstances later) subject to Germany affording not less favourable treatment to British ships 138–140

Order in Council (August 12th) extending (Art. 3) above to Austria-Hungary 98

Notifications of Foreign Secretary that Articles III. to VIII. of the Order in Council of August 4th :—

will not come into operation as regards German ships ... 141

will come into operation as regards Austro-Hungarian ships 142

Liability of, and of Enemy Cargo, to Confiscation, Detention or Requisition :—

Hague Convention (VI) of 1907, providing as to these matters 442–445

Release of Crew of Captured Ship :—

Regulations (forming Chapter III. of Hague Convention (XI.) of 1907, relative to Restrictions on right of Capture in Maratime War) providing that crews of captured merchantmen shall not be made prisoners of war if the officers and, where citizens of the enemy State, the crew, give a written undertaking to take no part in the war 445

Order in Council (Aug. 4th) providing (Art. 12) as to this undertaking 140

Transfer to Neutral Flag (Declaration to London Arts. 55, 56) 460, [500–502

Enemy State (*i.e.*, German Empire, Austria-Hungary, and their Colonies).

Giving Information to :

Defence of the Realm Act, 1914 (c. 29), empowering the issue of Regulations to prevent persons communicating with the enemy or obtaining information for that purpose ... 13, **409**

Communication of information useful to enemy as to movements of H.M.'s or Allies' forces, or war materials, war operations, fortifications, &c., photographing, &c., of Naval or Military works, &c., tampering with signalling apparatus, keeping or importing carrier pigeons, eliciting information from sailor or soldier through liquor, lighting fires on hills, tampering with passes, permits, &c., punishable with penal servitude for life (Defence of Realm Regs. 14–17, 22, 25, 27) 148–150, [153–154, **413–416**

PAGE

Enemy State—*continued.*
  Lending Money to or Contracting with :
    Proclamation that the floating of loans for or entering into dealings with the German Government amounts to high treason 177
    Proclamation extending above to Austro-Hungarian Government 97
  Sugar, Product of Enemy Country. Importation of prohibited (Proclamation, Sept. 30th) 385
  Trading with. "Enemy Country" defined ; supply of merchandise to or from and permitting British ship to communicate with any part of prohibited (Proclamation No. 2, Art. 5 (7) (8)) 379

Entrance by Force.
  Naval or Military authority empowered to enter any house, building, land, ship, or other premises suspected of being used against public safety (Defence of the Realm Regs. 12) 148, **412**

Espionage. Home Office Statement as to : Punishable by penal servitude if dealt with under Defence of Realm Act, and by death if dealt with as a war crime 516

Estate Duty. Remission of, in certain cases of persons killed in the War 32

European Foreign Ports (except those of Allies other than Russian-Baltic, Spain and Portugal).
  Exportation to of certain goods prohibited ... 160–176, 520, **403–407**

Evidence of Statutes, Proclamations, &c. iv

Exchequer and Audit Departments Act, 1866 (29 & 30 Vict. c. 39).
  Audit of Housing Accounts under, c. 52, s. 2 (5) ; c. 71 ... ... 18, 29

Exchequer Bonds. *See also* **War Loan.**
  Borrowing by for Housing purposes (c. 52), s. 2 (4) 18

Exciseable Liquor.
  Power to restrict sale and consumption of during specified hours under Intoxicating Liquor (Temporary Restriction) Act (c. 77)... 33

Execution.
  Suspension of under Courts (Emergency Powers) Act (c. 78) s. 1 (1) (a) 35

Exequaturs
  Of Enemy subjects exercising Consular functions for Third Powers revoked 106

Explosive Substance.
  Duty of any person to inform competent naval or military authority of unlawful possession of. (Defence of the Realm Regs. 10.) 147, **412**
  Possession of, except ammunition for sporting purposes in vicinity of railway, dock, harbour or proclaimed area, forbidden without permission (Defence of the Realm Regs. 20.) ... 149, 154, **414**

Exportation of Warlike Stores, Provision and Victual.
  Proclamation (August 3rd, 1914) under section 8 of the Customs and Inland Revenue Act, 1879 (42 & 43 Vict. c. 21), Prohibiting the Exportation from the United Kingdom of certain Warlike Stores 160
  Proclamation (August 5th) under 42 & 43 Vict. c. 21, s. 8, Prohibiting the Exportation from the United Kingdom of certain Warlike Stores, Provisions and Victual 164
  Proclamation (August 5th) under section 1 of the Exportation of Arms Act, 1900 (63 & 64 Vict. c. 44), Prohibiting the Exportation from the United Kingdom of Warlike Stores to certain Countries 162

PAGE

Exportation of Warlike Stores, Provision and Victual—*continued.*

Proclamation (August 10th) under 42 & 43 Vict. c. 21, s. 8, Prohibiting the Exportation from the United Kingdom of certain Warlike Stores, Provisions and Victual 165

Proclamation (August 20th) modifying the Proclamations (3rd, 5th, and 10th of August) under section 8 of the Customs and Inland Revenue Act, 1879 (42 & 43 Vict. c. 21), that of August 5th under section 1 of the Exportation of Arms Act, 1900 (63 & 64 Vict. c. 44), relating to the Exportation of certain Warlike Stores, Provisions and Victual 168

Customs (Exportation Prohibition) Act (4 & 5 Geo. c. 64) (passed August 28th), extending whilst a state of War exists, Section 8 of the Customs and Inland Revenue Act, 1879, to all Articles and providing that during such existence any Proclamation made under that section may be varied by an Order of Council made on the recommendation of the Board of Trade 23

Order of Council (August 28th) under section 2 of the Customs (Exportation Prohibition) Act, 1914 (4 & 5 Geo. 5. c 64), withdrawing certain Prohibitions on the Exportation of Provisions and Victual to British Possessions and Protectorates, Channel Islands and Egypt 170

Order of Council (September 1st) under 4 & 5 Geo. 5. c. 64, s. 2, withdrawing the Prohibition on the Exportation from the United Kingdom of Jams, Marmalades and Condensed Milk ... 171

Order of Council (September 8th) under 4 & 5 Geo. 5. c. 64, s. 2, amending Proclamations Prohibiting the Exportation of various Articles... 172

Order in Council (dated September 11th) under section 2 of the Customs (Exportation Prohibition) Act, 1914 (4 & 5 Geo. 5, c. 64), Prohibiting Exportation from the United Kingdom of Sugar, Molasses, &c. under certain conditions 174

Order of Council (September 25th) under 4 & 5 Geo. 5, c. 64, s. 2, varying Proclamations of August 3rd and 5th, and Order of Council of September 8th, Prohibiting the Exportation of various Articles 175

Order of Council (October 6th) under 4 & 5 Geo. 5. c. 64, s. 2, varying Proclamation and Orders of Council Prohibiting the Exportation of various Articles 520

Alphabetical Lists of the Goods prohibited for Exportation by these Proclamations and Orders of Council—
I. to any place whatsoever (except as regards provisions and victual to "British" places as therein specified) ; and
II. to certain "enemy" and other European ports ; are printed in Appendix A **403–407**

Falkland Islands. Supreme Court constituted a Prize Court ... 527

Fees.
under Courts Emergency Powers Act. *See* **Courts (Emergency Powers).**
before Judicial Committee. *See* **Judicial Committee.**
Patents, Designs and Trade Marks Acts. *See* **Patents, &c.**
Postponement of Payments Act. *See* **Postponement of Payments.**
in Prize Court Proceedings. *See* **Prize Courts.**

Fiji. Supreme Court constituted a Prize Court 527

Finance Act, 1900 (63 & 64 Vict. c. 7).
s. 14 (remission of death duties in case of persons killed in war) extended 32

Finance (1909-10) Act, 1910 (10 Edw. 7, c. 8), Sch. 1. *See* **Retailers' Licence.**

PAGE

Financial Assistance to the Enemy.
Proclamation of Aug. 5th, 1914, that British subjects contributing to loans raised on behalf of, or contracting with the German Government, will be guilty of High Treason 177
Proclamation extended to the Austro-Hungarian Government ... 98

Firearms. *See* **Arms and Ammunition.**

Firm. *See* **Trading with the Enemy Act** (c. 87), ss. 2, 3.

Food, Forage and Stores.
Requisitioning of by naval and military. *See* **Requisitions of Emergency.**
Unreasonable withholding from market of supplies. *See* **Articles of Commerce.**

Forces of the Crown. *See* **Army ; Army Reserve ; Naval Reserves ; Navy ; Territorial Force.**
Powers of under Defence of the Realm Acts and Regulations. *See* **Defence of the Realm.**

Forcible Entry. *See* **Entrance by Force.**

Foreclosure.
Suspension of right of, under Courts (Emergency Powers) Act (c. 78), s. 1 (1) (*b*) 35

Foreign Office. *And see* **Secretary of State.**
Notifications by the Secretary of State of a State of War 1
" " " " as to "Days of Grace" to Enemy Ships 141–143

Forfeit of Deposit.
Suspension of right to, under Courts (Emergency Powers) Act (c. 78), s. 1 (1) (*b*) 35

France.
Ports of, excepted from certain prohibitions on exportation 406
" " trade with excepted from provisions as to certificates of origin and declarations of ultimate destination 521

Germany. *And see* **Enemy.**
Notification of State of War with 1
Exequaturs of subjects of exercising Consular functions for Third Powers revoked 106
Secret Service of, Home Office Statement as to 516

Gibraltar. Supreme Court constituted a Prize Court 527

Government of Ireland Act, 1914 (c. 90). All steps to put Act into operation suspended (c. 88) until September 18th, 1915, or such later date (not being later than the ending of the War) as may be fixed by Order in Council 46

Great Seal. Commissions under authorising the Constitution of Prize Courts 249, 251, 254

Greenwich Hospital Acts. *See* **Injuries in War.**

Hague Conventions of 1907.
Convention VI. (Status of Enemy Merchant Ships) 442–445
Convention XI. Chapter III. (Restrictions on Right of Capture in Maritime War) 445
Application of Conventions by Order in Council of August 4th, 1914 138–141

Harbours.
Power to make regulations for safety of (c. 29), s. 1 (*b*) 13
Photographing, sketching, &c. without permission, of "harbour works" connected with "defended harbours" prohibited. (Defence of the Realm Regs. 15) 148, **413**
"Defended harbour" defined. (Defence of the Realm Regs.. 29) 151, **416**

PAGE

Heliographs. *See* **Telegraphs, &c.**

High Court, England.
  Powers of under Emergency Statutes :—
    judge selected by Lord Chief Justice of England to arbitrate as to price of Articles taken possession of under Proclamation (c. 65), s. 2 (1). 24
    mode of application to under Courts (Emergency Powers) Rules, 1914 (Rule 4) 117
    to appoint receiver and manager on application of Board of Trade under Trading with the Enemy Act (c. 37), s. 3 ... 45
  Prize Jurisdiction and Procedure of. *See* **Prize Courts.**

High Court, Ireland.
  Powers of under Emergency Statutes :—
    judge selected by Lord Chief Justice of Ireland to arbitrate as to price of Articles taken possession of under Proclamation (c. 65), s. 2 (1) 24
    mode of application to under Courts (Emergency Powers) Rules (Ireland) 129
    to appoint receiver and manager on application of Board of Trade under Trading with the Enemy Act (c. 87), s. 3 ... 45

High Treason. British subjects contributing to loans raised on behalf of or contracting with enemy government, guilty of 177

His Majesty the King.
  His Majesty's Declaration (August 4th, 1914) that the state of public affairs in Europe constitutes an imminent national danger and Proclamation commanding his subjects to conform to all instructions and regulations which may be issued 145
  Appeals to His Majesty in Council. *See* **Judicial Committee.**
    [*Note*—By Order in Council of October 18th. 1909 (1909, No. 1228) under s. 5 of the Appelate Jurisdiction Act, 1908 (8 Edw. 7, c. 51) all appeals to His Majesty in Council were referred to the Judicial Committee.]
  Commissions to the Admiralty under the Great Seal for constituting Prize Courts 249, 251, 254
  Orders of His Majesty in Council. *See* **Orders in Council.**
  Orders of His Majesty under Army Act 88, 90, 92
  Orders of the Lords of the Privy Council ("Orders of Council"). *See* **Exportation of Warlike Stores, &c.**
  Proclamations "by the King." *See* **Proclamations (Royal).**
  Principal Secretaries of State of His Majesty. *See* **Secretary of State.**
  Oversea Dominions. *See* **Dominions Oversea.**
  Warrant of His Majesty revoking certain Exequaturs of Consuls ... 106

Hoarding of Food &c Supplies. *See* **Articles of Commere.**

Home Office. *See* **Aircraft; Aliens Restriction; Defence of the Realm; Espionage; Intoxicating Liquor; Isle of Man; Lights, (Extinction or Obscuration of); Pigeons; Police Constables; Special Constables; Trading with the Enemy; Wireless Telegraphy;** *and also* **Secretary of State.**

Homing Pigeons. *See* **Pigeons.**

Hong Kong. Supreme Court constitutes a Prize Court 527

Hotel (with retailers' licence).
  Restriction of sale and consumption of intoxicating liquor in under Intoxicating Liquor (Temporary Restriction) Act (c. 77) ... 33

House of Commons :
  Army, additional men for : supplementary estimates 93, 94
  accounts under Housing (No. 2) Act (c. 52), s. 2 (5), to be laid before 18
  Vote of Credit of August 6th, Treasury Minute as to... 396

Houses. *See* **Buildings.**

PAGE

Housing of the Working Classes:
Housing (No. 2) Act (4 & 5 Geo. 5. c. 52) 17
Extended to Ireland by Housing (No. 2) (Amendment) Act (4 & 5 Geo. 5, c. 71) 29
Powers of acquiring buildings and land for "housing purposes" conferred on the Boards of Agriculture and Local Government with consent of Treasury and concurrence of Development Commissioners.

Immigration Officers (under Aliens Act, 1905). To be Aliens Officers under Restriction Order 72

Importation.
Of Arms, Signalling Apparatus, &c., by Aliens prohibited 69
Articles if so imported to be within s. 42 of Customs (Consolidation) Act, 1876, and forfeited (Aliens Restriction Consolidation Order, Art. 6) 70
Of sugar produced by enemy prohibited. (Trading with Enemy Proclamation, Sept. 30th.) 385

Imprisonment. *See* **Penalties and Punishments.**

In camerâ.
Hearing in of case under Courts (Emergency Powers) Act, 1914 (c. 78), s. 1 (5), and Rules thereunder 118, 126, 132

India.
India Office. *See below and also* **Secretary of State.**
Navy. Orders in Council directing that certain vessels of the Royal Indian Marine Service shall be under the command of the Senior Naval Officer of the Station :—
Order as to "The Hardinge" and "The Dufferin"... ... 178
" " "The Northbrook" and "The Minto" ... 179
" " "The Dalhousie" 180
Prize Courts. High Courts of Judicature, at Calcutta, Bombay and Madras, and Court of the Judicial Commissioner in Sind at Karachi, constituted Prize Courts 527
Trading with the Enemy, powers of Governor-General as to ... 530

Indictment. *See* also **Penalties and Punishments.**
Conviction on, under Trading with the Enemy Act (c. 87), s. 1 (1) (*b*) 42

Information.
Withholding of from naval or military authrities, &c. (Defence of the Realm Regs., 8.) 147, **412**

Injuries in War (Compensation).
Act (4 & 5 Geo. 5. c. 30) providing for the grant of pensions, and other allowances, to certain persons, if injured whilst employed in connexion with warlike operations, and to their dependants, and for purposes connected therewith. Exclusion of compensation, &c., under Workmen's Compensation, Employers' Liability and Pension Acts 14
Order in Council approving Scheme having effect as from Aug. 3rd as by Act provided 182

Inland Revenue Commissioners. *See* **Death Duties (Killed in War) Act, 1914; Stamp Duty.**

Inspection of Books and Documents. *See* **Trading with the Enemy**

Insurance Commissioners. *See* **National Health Insurance.**

Insurance Policies:
Enforcement of lapse of certain policies, suspension of right to, under Courts (Emergency Powers) Act (c. 78), s. 1 (1) 35
Making of new, or giving effect to old, for benefit of an enemy, prohibited by *paragraph 5 (6) of Trading with the Enemy Proclamation No. 2 (Sept. 9th, 1914)* 379
Proclamation (Oct. 8th) extending Trading with the Enemy Proclamation No. 2, and revoking paragraph 5 (6) thereof 530

PAGE

Intoxicating Liquor.
Intoxicating Liquor (Temporary Restriction) Act (4 & 5 Geo. 5, c. 77), enabling orders to be made in connection with the present War for restricting the sale or consumption of intoxicating liquor 33
Closing by naval or military authority of premises within defended harbour on proclaimed area (Defence of the Realm Regs. 7) 147, **411**
Giving intoxicating liquor to member of H.M.'s forces with intent to elicit information, or to make him drunk prohibited (Defence of the Realm Regs. 17) 149, **414**

Ireland. Emergency Statutes or Orders relating exclusively to. *See* **Billeting ; County Courts, Ireland ; Department of Agriculture for Ireland ; Government of Ireland ; High Court, Ireland ; Lord Chancellor of Ireland ; Local Government Board for Ireland ; Lord Chief Justice of Ireland ; Lord Lieutenant of Ireland ; National Health Insurance ; Requisitions of Emergency ; Police Constables ; Special Constables.**
See also **Suspensory Act.**

Irish Police Constables (Naval and Military Service).
Act (4 & 5 Geo. 5. c. 84), making provision with respect to Constables of the Royal Irish Constabulary and Dublin Metropolitan Police who are Reservists or join the Naval or Military Forces... ... 41

Isle of Man.
APPLICATION TO, of—
Currency and Banknotes Act (c. 14), s. 5 (3) 10
Elementary School Teachers (War Superannuation) Act (c. 66), s 2 26
EXPORTATION from "United Kingdom" of certain warlike stores, provisions and victual prohibited by Proclamations and Orders of Council 160–176
Note:—For Customs purposes the Isle of Man forms part of the United Kingdom 39 & 40 Vict. c. 36, s. 277; 1 & 2 Geo. 5. c. 46, s. 14 (6.)
WAR LEGISLATION ACT (c. 62), enabling His Majesty, by Order in Council, to extend to the Isle Acts passed in connection with the present War 22
Orders in Council under this Act extending to the Isle of Man:—
Aliens Restriction Act (c. 12) 186
Defence of the Realm Act (c. 29), the Defence of the Realm (No. 2) Act (c. 63), and Regulations thereunder ... 189
Postponement of Payments Act (c. 11) 190
Aliens Restriction (Isle of Man) Order, 1914, being an Order in Council under 4 & 5 Geo. 5. c. 12, as so extended to the Isle 186

Italy.
Certificates of origin required as to imports from certain ports of ... 521

Jamaica. Supreme Court constituted a Prize Court 527

Jersey. Order in Council recalling the Royal Militia Reserve to active service 191
Proclamation giving Notice of Order in Council 192
Application to, of Elementary School Teachers (War Service Superannuation) Act (c. 66) s. 2 26
See also **Exportation ; Wireless Telegraphy.**

Joint Capture.
Procedure in Prize Court cases 289
A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

Joint Stock Company. *See* **Company.**

Judge.
Arbitration by as to price of article seized by Board of Trade under Articles of Commerce (Returns, etc.) Act, 1914 (c. 65) s. 2 ... 24

PAGE

Judgment.
Suspension of right to enforce under Courts (Emergency Powers) Act (c. 78), s. 1 (1) (*a*) 35
Proceedings for enforcement of, under Courts (Emergency Powers) Act, 1914 (c. 78) s. 1 (1) (*a*) 115

Judicial Committee.
Note.—By Order in Council of October 18th, 1909 (1909, No. 1228) under s. 5 of the Appellate Jurisdiction Act, 1908 (8 Edw. 7, c. 51) all Appeals to His Majesty in Council were referred to the Judicial Committee.
Judicial Committee Rules, 1908, being the Rules regulating the general practice and procedure in Appeals (Appendix C) 417–439
Table shewing the contents of these Rules 418–420
Prize Court Rules regulating admission of appeals or leave to appeal to the Judicial Committee by Prize Courts 297
A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

Justices of the Peace:
duties as to requisitions of emergency. *See* **Requisitions of Emergency.**
Statutory Declarations before. *See* **Statutory Declaration.**
Summary Jurisdiction. *See* **Summary Jurisdiction.**
Warrant of, to inspect books and documents. *See* **Trading with the Enemy.**

Karachi. Court of Judicial Commissioner in Sind constituted a Prize Court... 527

Lancaster Chancery Court. Applications to, under Courts (Emergency Powers) Act (c. 78) 119

Land: Suspension of restrictions on acquisition or use of under Defence of the Realm Acts 23, **409**
And *see* **Entrance by Force.**

"**Land Expedition**" (*see* Naval Prize Act, 1864 (27 & 28 Vict. c. 25), s. 34), ship taken by. Procedure in Prize Court cases 288
A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

Leeward Islands. Supreme Court constituted a Prize Court ... 527

Legal Tender.
Currency Notes and Postal Orders made legal tender for any amount, 4 & 5 Geo. 5, c. 14, s. 1 (1) (6) 9
Scottish and Irish bank notes made legal tender in Scotland and Ireland respectively for any amount, 4 & 5 Geo. 5, c. 14, s. 4 ... 10

Licences under Trading with the Enemy Proclamation No. 2 granted by Secretary of State and Board of Trade 381–383

Licensed Premises, and Licensing Acts, Courts, and Justices. *See* **Intoxicating Liquor.**

Lights, Extinction or Obscuration of.
Power of Secretary of State to order extinction or obscuration of lights of any description within any area specified (Defence of the Realm Regs. 7A) 155, **411**
Order of Secretary of State applying to the city and the Metropolitan Police District, and in force till November 1st, 1914 157
Power for naval or military authority to order extinction, &c., within area of defended harbour (Defence of the Realm Regs. 23) ... 149, **415**

Loans for Enemy. *See* **Financial Assistance to the Enemy.**

Local Government Board.
Power under Housing (No. 2) Act, 1914 (c. 52), s. 1, to acquire and dispose of land and buildings for housing in non-agricultural districts 17

PAGE

Local Government Board for Scotland.
Power under Housing (No. 2) Act, 1914 (c. 52), s. 3 (2), to acquire and dispose of lands and buildings for housing in non-agricultural districts 17, 19

Local Government Board for Ireland.
Power under Housing (No. 2) Act, 1914 (c. 52), s. 1, as amended by Amendment Act (c. 71) to acquire and dispose of lands and buildings for housing in any district 17, 29

Lodger: Claim by, to be registered, if absent on service, may be made by another person on his behalf. (4 & 5 Geo. 5, c. 25, s. 1 (3)) 11

London, City. City of London Court. Application to, under Courts (Emergency Powers) Rules, 1914, Rule 15 119
Extinction of Lights. *See* **Lights.**
Police. Special provisions as to, under Police Constables (Naval and Military Service) Act (c. 80), s. 3 39

London Gazette. For date of first gazetting of each Proclamation, Order, &c., so gazetted, *see* footnotes to Proclamations, &c. A return of Currency Notes is published in the Gazette of each Friday, commencing with that of August 28th, 1914.

Lord Advocate.
Consent of requisite to prosecution under Trading with the Enemy Act, 1914 (c. 87), ss. 1 (4), 4 (2) 43, 45

Lord Chancellor of Great Britain.
Powers of, under Courts (Emergency Powers) Act (c. 78), s. 1 (5) ... 36
Rules and Directions by under Courts (Emergency Powers) Act 115–124

Lord Chancellor of Ireland.
Powers of, under Courts (Emergency Powers) Act (c. 78), ss. 1 (5), 2 (3) 36, 36
Rules made by, under Courts (Emergency Powers) Act ... 127–137

Lord Chief Justice of England.
Selection by of judge as arbitrator as to price under Articles of Commerce (Returns, &c., Act, (c. 65) s. 2 (1) 24

Lord Chief Justice of Ireland.
Selection by of judge as arbitrator as to price under Articles of Commerce (Returns, &c.) Act (c. 65) s. 2 (1) 24

Lord Lieutenant of Ireland.
Powers under Emergency Statutes:—
under Intoxicating Liquor (Temporary Restriction) Act (c. 77), ss. 1 (1), 2 (3) 33, 34
Calculation of naval or military service of Irish police reservists 41
Trading with the Enemy Act (c. 87), ss. 2, 4 (4)... 43–45
Emergency Orders made by as to:—
Army Billeting and requisitions of Emergency 88, 91, 92
Special Bank Holidays 100

Madras. High Court of Judicature constituted a Prize Court ... 527

Malta Commercial Court constituted a Prize Court 527

"Marshal," definition of and duties of in Prize Court cases ... 261, 295

Masters of Ships, Power to impose obligations on 6
Obligations of under Aliens Restriction (Consolidation) Order (Arts. 13, 14), 1914 71

Masters of Supreme Court, England (K.B.D.). Applications to under Courts (Emergency Powers) Act (c. 78) 124

Mauritius Supreme Court constituted a Prize Court 527

Merchandise, Goods, or Wares, trading in, for benefit of enemy, prohibited by Trading with the Enemy Proclamation No. 2... 378

PAGE

Merchant Shipping. *See* **"Days of Grace" to Enemy Ships; Ships.**

Metropolitan Police Courts. *See* **Summary Jurisdiction.**

Military Aircraft. *See* **Aircraft.**

Military Authority.
"Competent military authority" defined. (Defence of the Realm Regs. 29) 151, **416**

Military Expenditure. *See* **Vote of Credit.**

Military Pensions. Payment in advance (c. 83) 40

Military Works.
Powers to take possession of any land and to construct military works. (Defence of the Realm Act, s. 2 (*a*)) 146, **410**

Militia Reserve of Jersey. *See* **Jersey.**

Moratorium. *See* **Postponement of Payments.**

Motor cars and cycles.
Bringing of into United Kingdom by any alien and possession of by Alien Enemy prohibited (Alien Restriction Cons. Order, Arts. 6, 22) 69, 74

Municipal Corporations Act, 1882 (45 & 46 Vict., c. 50), s. 196.
Power by Order in Council to make regulations as to special constables appointed under 21

Name of Alien Enemy, to be after October 12th, 1914, that by which he was known at commencement of war 515

Natal Provincial Division of Supreme Court constituted a Prize Court 527

National Debt.
Housing (No. 2) Act (c. 52), s. 2 (3) 18
War Loan to be charged on the Consolidated Fund (War Loan Act (c. 60), s. 1 (2)) 20

National Health Insurance.
OFFICERS GRANTED TEMPORARY COMMISSIONS AND SOLDIERS SPECIALLY ENLISTED FOR WAR, AND OFFICERS OF NAVAL AND ARMY RESERVES AND TERRITORIAL FORCE.
National Insurance (Navy and Army) Act, 1914 (c. 81), retrospectively extending s. 46 (persons in naval and military service) of the National Insurance Act, 1911, to Soldiers specially enlisted for the War, and to Commissioned or Warrant Officers of the Naval Reserves, Officers of the Army Reserve or Territorial Force, and Officers granted temporary commissions during War in Regular Forces, who, being previously insured, serve during the War 39

Note.—S. 46 of the 1911 Act was amended by the National Insurance Health Insurance Act, 1913 (3 & 4 Geo. 5. c. 37).

National Health Insurance (Officers, Warrant Officers and Soldiers) (Provisional) Regulations, 1914 (Sept. 30th) 193
National Health Insurance (Officers, Warrant Officers and Soldiers) Regulations (Scotland) 1914 (Oct. 9th) ... 525
National Health Insurance (Officers, Warrant Officers and Soldiers) (Provisional) Regulations (Wales) 1914 (Oct. 2nd) 195

Note.—These Regulations made by the Insurance Commissioners, the Scottish and the Welsh Commissioners respectively, were made under the Emergency Act (c. 81), and relate to the Soldiers and Officers to whom that Act applies. It is (Sept. 30th, 1914) understood that the Irish Commissioners are making similar Regulations.

NAVAL AND ARMY RESERVE MEN, AND TERRITORIAL FORCE MEN.
National Health Insurance (Naval and Army Reserves and Territorial Force) Regulations, 1914 (September 11th) ... 197
National Health Insurance (Naval and Army Reserves and Territorial Force) Regulations (Scotland) 1914 (September 12th) 199

PAGE

National Health Insurance—*continued.*

NAVAL AND ARMY RESERVE MEN, &c.—*continued.*

National Health Insurance (Naval and Army Reserves and Territorial Force) (Provisional) Regulations (Ireland), 1914 (September 16th) 201

National Health Insurance (Naval and Army Reserves and Territorial Forces) (Provisional) Regulations (Wales), 1914 (September 11th) 203

Note.—These four sets of Regulations were made by the Insurance Commissioners, and the Scottish, the Irish and the Welsh Insurance Commissioners respectively, under s. 46 (7) of the Act of 1911 with respect to men belonging to the Reserves or the Territorial Force.

Non-emergency Regulations under s. 46 of the Act of 1911 as to insurance of sailors and soldiers (note (**c**)) 194

Naval Agency and Distribution Act, 1864 (27 & 28 Vict., c. 24).

Procedure as to distribution or investment of prize moneys under ... 291

A full Index to the Prize Court Rules and Forms is printed at 353-364.

Naval Aircraft. *See* **Aircraft.**

Naval Authority.

"Competent naval authority" defined (Defence of the Realm Regs., 29) 151, **416**

Naval Prize Act, 1864 (27 & 28 Vict., c. 25).

Repeal of certain provisions of as from coming into operation of Prize Court Rules, 1914 (*i.e.*, August 5th, 1914, *see* Order in Council at p. 256) by Prize Courts Procedure Act, 1914 (4 & 5 Geo. 5, c. 13) 8

Naval Billeting &c. Act, 1914 (**c.** 70) 28

Naval Reserves.

CALLING OUT. Proclamation calling out the Reserves 206

ELECTORAL DISABILITIES. Removal of caused by absence on war service (c. 25) 11

FAMILY ALLOWANCES to police reservists (cc. 34, 80, 84) ... 15, 38, 41

HEALTH INSURANCE. Act (c. 81) extending s. 46 of the National Health Insurance Act, 1911, as to previously insured officers of the reserves 39

Regulations thereunder as to insurance of such officers ... 193–197, 525

Regulations under earlier powers (*see* note (**c**) p. 194) as to insurance of reservists 197–204

SUPERANNUATION ALLOWANCES of police reservists (cc. 80, 84) ... 34, 41

Naval Service in the War. *See* **War Service.**

Naval (and Military) Works.

Making photograph sketch, plan or model of, without permission prohibited (Defence of the Realm Regulations, 15) 148, **413**

Navy.

Extension of services of Time-expired Men 205

Calling Officers of the Reserved and Retired Lists into Active Service 206

Calling out of Naval Reserves 206

Separation Allowances for wives and children of seamen, marines, and reservists 203

Cancellation of former system of distribution of prize money ... 208

See also **Billeting : Requisitions of Emergency.**

Navy (Pledging of Certificates, &c.) Act (4 & 5 Geo. 5. c. 89) preventing the Disposal or Pledging of Certificates of Service, Naval Uniforms, or other Property 46

Negotiable instruments,

postponement of payment of. *See* **Postponement of Payments.**

drawing, accepting, presenting or dealing with, on behalf of enemy, prohibited. (Trading with Enemy Proclamation No. 2, Art. 5 (3) (4) ... 379

PAGE

Netherlands.
Certificates of origin required as to imports from certain ports of ... 524

Neutral Cargo (other than Contraband of War).
Release of where on board enemy ship not allowed to depart from British Port. (Order in Council, Aug. 4th, Art. 11) 140
Not liable to capture under enemy's flag. (Declaration of Paris) ... 446

Neutral Flag, covers enemy goods except contraband. (Declaration of Paris) 446
Transfer of an enemy vessel to (Declaration of London, Arts. 55, 56) 460, **500–502**

Neutral Vessels, prizes, when liable to condemnation or destruction (Declaration of London, Arts. 48–54) under national convoy exempt from search, (Arts. 61, 62) 458–461, **492–508**

Newfoundland Supreme Court constituted a Prize Court 527

New South Wales Supreme Court constituted a Prize Court ... 527

Newspapers, circulation of, amongst alien enemies restricted. (Aliens Restriction (Consolidation) Order, 1914, Art. 23) 75

New Zealand, Dominion of.
Supreme Court constituted a Prize Court 527
Trading with the Enemy, powers of Governor-General 530

Norway.
Certificates of origin required as to imports from certain ports of ... 523

Oaths, Commissioners of. *See* **Statutory Declaration.**

Officers.
Alien Officers. *See* **Aliens Restriction.**

Official Secrets Act, 1911 (1 & 2 Geo. 5, c. 28). Home Office Statement as to 516

Order of Court.
Suspension of right to enforce under Courts (Emergency Powers) Act (c. 78) s. 1 (1) (*a*) 35

Orders in Council.
EMERGENCY ENACTMENTS AUTHORISING ORDERS IN COUNCIL :—
Aliens Restriction Act (c. 12), s. 1 (1) 6
Bills of Exchange Act (c. 82), s. 3 (**a**) 40
Customs (Exportation Prohibition) Act (c. 64), s. 2 23
Courts (Emergency Powers) Act (c. 78), s. 2 (4) 37
Defence of the Realm Act (c. 29), s. 1 ... ... 13, **409**
Defence of the Realm, No. 2, Act (c. 63) 22, **409**
Injuries in War Act (c. 30), s. 1 (1) 14
Irish Police Constables (Naval and Military Service) Act (c. 84), s. 1 (3) 41
Isle of Man (War Legislation) Act (c. 62), s. 1 (1) 22
Prize Courts (Egypt, Zanzibar, and Cyprus) Act (c. 79), s. 1 ... 37
Special Constables Act (c. 61), s. 1 (**b**) 20
Suspensory Act (c. 88), s. 1 (1) 46
EMERGENCY ORDERS IN COUNCIL :—
Note :—Under the Enactments specified immediately above, and under powers already on the Statute Book before the Emergency, His Majesty has between August 1st and September 30th, 1914, made 29 Orders in Council, all of which are listed in chronological sequence at pp. v.–xi., and indexed herein under their subject matter. To these at the Council of October 8th was added the Aliens Restriction (Change of Name) Order, 1914 (p. 515).

(**a**) No Order in Council has (Sept. 30, 1914) been made under the enactments marked.

(**b**) No Order in Council has (Sept. 30, 1914) been made under this Act in its application to Ireland.

PAGE

Order of Council. *See* **Exportation of Warlike Stores, &c.; Trading with the Enemy.**

Note:—An "Order of Council" is an Order of the Lords of the Privy Council, thereby differing from an Order in Council, which is made by His Majesty "by and with the advice of His Privy Council."

Origin of Merchandise. Certificates of required in certain cases... 523

"Outbreak of War." *See* **War, Notifications of a State of.**

Outrages. Home Office Statement as to... 516

Oversea Dominions. *See* **Exportation; Prize Courts; Trading with the Enemy.**

Palatinate Courts, application to, under Courts (Emergency Powers) Rules, 1914, r. 115... 119

Parasitic Mange. *See* **Diseases of Animals.**

Patents, Designs, and Trade Marks.

- Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914 (c. 27), empowering the Board of Trade during the continuance of the War, to make Rules under the Patents and Designs Act, 1907, and the Trade Marks Act, 1905, for avoidance or suspension of patents or licences granted to, and trade marks owned by, and of applications on behalf of enemy subjects 12
- Amendment Act (c. 73) extending first Act (c. 27) to designs and providing for grant of licences to persons other than enemy subjects 30
  - The second Act makes substitutions and additions to s. 1 of the first one. That section is, for convenience of reference, reprinted in consolidated form in Appendix D **439**
- Patents, Designs, and Trade Marks (Temporary) Rules, 1914 (Aug. 21st, 1914), as to the avoidance or suspension of patents granted to licencees or proceedings as to patents, designs, or trade marks made on application of enemy subjects 226
- Patents and Designs (Temporary) Rules, 1914. (September 7th) ... 236
- Notice (Aug. 21st) as to procedure under Rules 2 and 3 of above Rules 229
- Trade Marks (Temporary) Rules, 1914 (Aug. 21st), as to avoidance or suspension of registration of trade marks of which enemy subjects are proprietors 230
- Designs (Temporary) Rules, 1914 (Sept. 5th) as to avoidance or suspension of registration of designs of which enemy subjects are proprietors 233
- Notice (Sept. 7th) as to procedure under Rule 1 of each of the foregoing sets of Rules 235
- Patents and Designs (Temporary) Rules, 1914 (Sept. 7th), as to granting (in cases where patent granted to or design owned by enemy subject is avoided or suspended) licences to persons not enemy subjects to make, use, exercise, or vend the patented invention or registered design 236
- Licences granted by the Board of Trade (Sept. 23rd) under Trading with the Enemy Proclamation (No. 2) to pay certain fees for obtaining renewals or registrations in enemy countries or on behalf of enemies 381

Pawnbrokers:

- Saving in favour of under Courts (Emergency Powers) Act (c. 78) s. 1 (7) 36
- penalty on taking in pawn naval uniforms, &c. (c. 89) 46

Payment of Money.

- To or for benefit of Enemy prohibited (Trading with Enemy Proclamation No. 2, Art. 5 (1) (2)) 379
- Secretary of State's and Board of Trade's Licences (under Proclamation) permitting certain payments 381–384
- Postponement of. *See* **Postponement of Payments.**
- Suspension of right to enforce under contracts made prior to Aug. 4th, 1914, Courts (Emergency Powers) Act (c. 78), s. 1 (1) 35

PAGE

Penal Servitude:
for life for contravention of special regulations (Defence of the Realm Regs. 27) 150, **416**
for 7 years for offence under Trading with the Enemy Act (c. 87), s. 1 (1) 42

Penalties and Punishments.
UNDER EMERGENCY ACTS:—
Aliens Restriction Act (c. 12), s. 1 (1) (h) (2) (*6 months or fine £100*) 6
Articles of Commerce (Returns, &c.) Act (c. 65), s. 1 (3) (*3 months or £100 fine*) 24
Currency and Bank Notes Act (c. 14), ss. 1 (5), 3 (*as for forgery or stealing*) 9, 10
Defence of the Realm Act (c. 29), s. 1 (*as by Regs. thereunder*) 13, **409**
Intoxicating Liquor (Temporary Restriction) Act (c. 77), s. 1 (2) (*£50 fine*)... 33
Naval Billeting, &c. Act (c. 70), s. 1 28
Navy (Pledging of Certificates, &c.) Act (c. 89) (*fine, or, 2nd offence, imprisonment*) 46
Slaughter of Animals Act (c. 75). s. 3 (*£20 fine*) 31
Trading with the Enemy Act (c. 87)—
trading with enemy, s. 1 (*7 years penal servitude*) 42
not producing books, &c., s. 2 (3) (*6 months and £50 fine*) ... 44
UNDER EMERGENCY ORDERS:—
Aliens Restriction (Consolidation) Order, 1914, Art. 26. and Aliens Restriction (Change of Name) Order, 1914 (*6 months or fine £100*) 76, 515
Aliens Restriction (Isle of Man) Order, 1914 (Art. 6) (*6 months or £100 fine*) 188
Defence of the Realm Regulations (Reg. 27) (*penal servitude for life*) 150, **416**
Financial Assistance to Enemy, Proclamation (*death*) 177
Special Constables Order, 1914 (Art. 7), Special Constables (Scotland) Order, 1914 (Art. 2) (*for personation, &c., £10 fine*) 371, 373
Trading with the Enemy, Proclamation No. 2 (Art. 5) amending Proclamation of Sept. 30th (Art. 2) and Oct. 8th ... 379, 385, 530

Pensions. *See* **Army; Police Constables; School Teachers; Special Constables.**

Permits
under Aliens Restriction Orders. *See* **Aliens Restriction.**
Defence of the Realm Regulations. *See* **Defence of the Realm.**

Personation
of Special Constable, fine (£10) on 371, 373

Petty Sessions. *See* **Summary Proceedings.**

Photographing
Of naval or military work or defended harbour prohibited (Defence of the Realm, Regs. 15) 148, **413**

Pigeons, Carrier or Homing.
Alien prohibited from entering United Kingdom with (Aliens Restriction (Consolidation) Order, 1914, Art. 6)... 69
keeping, within prescribed area, or bringing of into United Kingdom prohibited. (Defence of the Realm, Regs. 16.) ... 153, 155, **414**
Order of Sept. 2, prescribing certain counties as the area 156
,, *Sept. 10, adding Somerset to the area* 156
Order, of Sept. 21, 1914, prescribing the whole of the United Kingdom as the area in question, thus superseding the earlier Orders ... 157
Home Office Statement as to keeping of 516

Plans
Of naval or military works or defended harbour, making of prohibited. (Defence of the Realm Regs. 15.) 148, **413**

PAGE

Police.
Acts applied or extended, *see below.*
Age Limit in Scotland, *see below.*
Aliens, powers of police as to restriction of 68–85
Army Billeting and Requisitions of Emergency, duties as to ... 88–93
Defence of the Realm Regulations, duties of under ... 146–155, **409–417**
Intoxicating Liquor, restriction of sale on recommendation of (4 & 5 Geo. 5, c. 77) 33
Naval Billeting and Requisitions of Emergency, duties as to 212–226
War Service, *see below.*

Police Acts applying to England.
Power by Order in Council to apply provisions of Police Acts, 1839 to 1910, to **Special Constables** q.v. (4 & 5 Geo. 5, c. 61, s. 1 (1)) 20
Enactments relating to police reservists (53 & 54 Vict. c. 45, s. 4 (5) : 6 Edw. 7, c. 7, s. 4) ... ... Appendix F I 441
Application of these enactments with adaptations to men re-enlisting for War (4 & 5 Geo. 5, c. 80, s. 2) 38

Police (Scotland) Acts.
Power by Order in Council to apply provisions of Acts of 1857 and 1890 to **Special Constables** q.v. (4 & 5 Geo. 5, c. 61, s. 1) 20
Enactments relating to police reservists (53 & 54 Vict., c. 67, s. 4 (5) ; 10 Edw. 7 & 1 Geo. 5, c. 10, s. 9) ... ... Appendix F 11 441
Application of these enactments with adaptations to men re-enlisting for War (4 & 5 Geo. 5, c. 80, s. 2) 38

Police Constables, Naval and Military Service.
Police Reservists (Allowances) Act, 1914 (c. 34), authorising the grant by the police authority out of the Police Fund of Allowances for Wives and Children and (in case of unmarried men) Dependants of Police Reservists who are called out upon Emergency 15
Police Constables (Naval and Military Service) Act, 1914 (c. 80), extending the provisions of c. 34 and applying certain enactments of the Police and Police (Scotland) Acts, relating to police reservists, to certain constables not being reservists, to constables who though not reservists are ex petty or non-commissioned officers or having special qualifications enlist ... 38
Note:—The Police enactments applied by c. 80 are for convenience of reference printed in Appendix F 441
Irish Police Constables (Military and Naval Service) Act, 1914 (c. 84) making provision with respect to Constables of the Royal Irish Constabulary and Dublin Metropolitan Police who are Reservists or join the Naval or Military Forces 41
Power for His Majesty by Order in Council to extend to Ireland with modifications any of the provisions of cc. 34, 80, above ... 41
Note:—No such Order in Council has (Oct. 9th, 1914) been made, and the two first mentioned Acts are confined to England and Scotland.

Police Limit of Age in Scotland.
Police (Scotland) (Limit of Age) Act, 1914 (c. 69)), empowering the Secretary for Scotland to prescribe the limit of age of persons transferred or appointed to Scottish police forces during the War 27
Order by the Secretary for Scotland prescribing the Limit of Age of Persons transferred or appointed to any Scottish Police Force in Scotland during the War 237
Note.—The English Acts contain no age restriction similar to that imposed by the Police (Scotland) Act, 1890, s. 25.

Policy of Insurance. *See* **Insurance Policies.**

Poor Relief: received by wife or children not to disqualify elector absent on service. (Electoral Disabilities (Naval and Military Service) Removal Act (c. 25), s. 1 (2)) 11

PAGE

Ports: *See also* **Importation; Exportation.**
  Aliens, landing or embarking of at United Kingdom ports prohibited or restricted (Aliens Restriction (Consolidation) Order, 1914, Arts. 1–16, Sch. 1) 68–72, 79
  Trading with enemy's ports direct or indirect. *See* **Trading with the Enemy.**

Portugal.
  Ports of, excepted from certain prohibitions on exportation **406**
  ,, trade with excepted from provisions as to certificates of origin and declarations of ultimate destination ... 521

Possession of Articles withheld from Market. *See* **Articles of Commerce.**

Possession of Property.
  Suspension of right to take, resume, or enter into, under Courts (Emergency Powers) Act, c. 78, s. 1 (1) (b) 35

Postal Orders: to be current and legal tender for any amount, and payable in coin by Bank of England; power by Proclamation to revoke this provision and call in postal orders **(a)**. (Currency and Bank Notes Act (c. 14), s. 1 (6)) 9

Postponement of Payments. *See also* **Isle of Man.**
  Bills (Reacceptance) Proclamation (August 2nd) postponing payment of certain Bills of Exchange 238
  Confirmation of this Proclamation by Statute passed August 3rd (4 & 5 Geo. 5, c. 11, s. 1 (4)) 5
  Postponement of Payments Act, 1914 (c. 11), authorising His Majesty by Proclamation to suspend temporarily the payment of Bills of Exchange and payments in pursuance of other obligations 5
  Statutory Proclamations under 4 & 5 Geo. 5, c. 11:—
    First General Proclamation (August 6th) extending Proclamation of August 2nd to certain other payments 239
    Second General Proclamation (August 12th) extending Proclamation of August 6th 241
    Proclamation (September 1st) varying Proclamations of August 2nd, 6th and 12th 242
    Third General Proclamation (September 3rd) varying Proclamations of August 2nd, 6th and 12th and revoking Proclamation of September 1st 244
    Final General Proclamation (September 30th) varying Proclamations of August 2nd, 6th and 12th and September 3rd, and providing that the Moratorium shall terminate on November 4th, 1914 247
    Correspondence between the Treasury and the Bank of England and Statements appearing in the Press, as to Government Assistance with regard to pre-moratorium bills of exchange 101–106
  County Court Rules having reference to the Postponement of Payments Act and Proclamations thereunder 112
  Courts Emergency Powers Act and Rules. *See* **Courts (Emergency Powers).**

Prisoners of War.
  Crews of enemy merchant ships not to be made on undertaking not to serve on enemy ship during war (Hague Convention XI. Arts. 5–8) 445
  Order in Council (Aug. 4th) providing (Art. 12) as to this undertaking 140

Privateering to remain abolished (Declaration of Paris) 446

Prize Bounty, procedure in claims for 291
  A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

(a) No Proclamation has (Oct. 9th, 1914) been made under this power.

PAGE

Prize Courts.

Jurisdiction of High Court. [*See* Naval Prize Act, 1864 (27 & 28 Vict. c. 25, s. 4 ; Supreme Court of Judicature Act, 1891 (54 & 55 Vict. c. 53, s. 4)]. Order in Council (Aug. 5th) directing the issue of a (**a**) Commission under the Great Seal authorising the Admiralty to require the High Court to take cognizance of and judicially proceed upon and determine captures, prizes, seizures and reprisals, and to condemn German ships, vessels and goods 248

Extended by (**a**) Order in Council (Aug. 20th) to Austro-Hungarian ships, vessels and goods 250

Jurisdiction of Courts of Oversea Dominions. Notification by Colonial Office of constitution of Prize Courts in His Majesty's Dominions Oversea 527–529

[This Notification is indexed under name of each Dominion or Possession].

Jurisdiction of Courts of Protectorates, &c. Prize Courts (Egypt, Zanzibar, and Cyprus) Act, 1914 (c. 79), providing for the exercise of Prize Jurisdiction by certain British Courts in Egypt, Zanzibar, and Cyprus, in respect of the War 37

Order in Council (September 30th) directing the issue of a (**a**) Commission under the Great Seal authorising the Admiralty to require British Courts in Egypt, Cyprus and Zanzibar to act as Prize Courts 253

Procedure. Prize Courts (Procedure) Act, 1914 (c. 13) repealing as from the date when Rules made after passing of Act under Prize Courts Act, 1894 (57 & 58 Vict. c. 39) come into operation certain procedure provisions of the Naval Prize Act, 1864... 8

Order in Council (Aug. 5th) making "The Prize Court Rules, 1914," as "Provisional Rules" 256–352

[These Rules (*see* O. XLVI., p. 299) came into operation on their making save that as regards Courts in the Dominions Oversea they do not operate until "proclaimed" there. As to Egypt, Zanzibar and Cyprus *see* Order in Council (Sept. 30th) printed at p. 253. A table of these Rules and Orders is printed, p. 257, and a detailed Index to them, pp. 353–364.]

Notice of proposal to make the Provisional Rules of Aug. 5th as "Statutory Rules" 364

Order in Council (Sept 17th) making "The Prize Court Rules, 1914," as "Statutory Rules" 365

Order in Council (Sept. 30th) making certain "Provisional" Amendments to the "Prize Court Rules, 1914" 366

Notice of proposal to make the "Provisional" Amendments of Sept. 30th "Statutory" 367

Order in Council (Aug. 20th) ordering that during the War the Declaration of London (*q.v.*) shall, subject to certain modifications, be put in force as if it had been ratified and that all Prize Courts shall construe and interpret the Declaration by the light of the Commentary forming the General Report of the Drafting Committee on the Declaration 143

See also **Blockade ; Contraband ; Enemy Ships ; Neutral Vessel.**

Prize, Distribution of. Order in Council (Aug. 28th) cancelling so much of Proclamation of Sept. 17th, 1900, as relates to distribution of net proceeds of Prizes captured from the enemy ... 208

Prize Salvage (*i.e.*, on Ships recaptured from the Enemy), Procedure as to 287

A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

Proclaimed Area (under Defence of the Realm Regulations) means area proclaimed by Admiralty or Army Council ... 154, 417

Restrictions imposed in "proclaimed area" (Defence of the Realm Regs. 6 7, 17, 20, 22, 23, 24) 147, 149, 154, **411, 414, 415**

(**a**) The Admiralty Commissions which bear the same date as the Orders in Council are appended to them as printed above.

PAGE

Proclamations (Royal).
EMERGENCY ENACTMENTS AUTHORISING PROCLAMATIONS :—
Articles of Commerce (Returns &c) Act, (c. 65) s. 2 (1) ... 24
(a) Currency and Bank Notes Act (c. 14) ss. 1 (6), 4 9
Customs (Exportation Prohibition) Act (c. 64) s. 2 23
Postponement of Payments Act (c. 11) s. (1) – (3) 5
(b) *Unreasonable withholding of Food Supplies Act, (c. 51) s. 1*... 16
EMERGENCY PROCLAMATIONS.
Note.—Under the Enactments specified immediately above, and under powers already on the Statute Book before the Emergency, His Majesty has between August 1st and September 30th, 1914, made 27 Proclamations all of which are listed in Chronological sequence at pp. v.-xi. and indexed herein under the subject matter. To these at the Council of October 8th was added a further Proclamation (p. 530) relating to Trading with the Enemy.

Proclamations of the Lord Lieutenant. *See* **Lord Lieutenant.**

Prohibited Area (under Aliens Restriction Consolidation Order, Part II) 72–76
Definition of area : power of Secretary of State to vary (Art. 18 sch. 2) 72, 79–85
Registration of all aliens in (Arts. 19, 20) 72, 73
Residence in of alien enemy without permit prohibited (Art. 18) ... 72

Prohibited Ports. *See* **Ports.**

Protectorate and Protected State. *See* **British Protectorate.**

Provisional Rules. *See* **National Health Insurance ; Prize Courts.**
Note.—Under s. 2 of the Rules Publication Act. 1893 (56 & 57 Vict. c. 66) Rules "certified as urgent" come into force although the provisions of s. 1 as to draft rules have not been complied with.

Provisions and Victual of all sorts which may be used as food for men.
Proclamation (Aug. 5th), prohibiting exportation from the United Kingdom to any place whatsoever 164
Proclamation (Aug. 10th, 1914) defining Provisions, &c. 165
Proclamation (Aug. 20th) substituting new definition of "Provisions, &c." 168
Order of Council withdrawing Prohibition as regards Channel Islands, Oversea Dominions, British Possessions and Protectorates, and Egypt 170
Order of Council wholly withdrawing Prohibition as to jams, marmalades and condensed milk 171
Order of Council making Prohibition general as regards sugars, molasses, &c. 174
Alphabetical list of and index to the goods thus prohibited for exportation by the 3 Proclamations, and 3 Orders of Council above **405**

Public House.
Restriction of sale and consumption of intoxicating liquor, in under Intoxicating Liquor (Temporary Restriction) Act (c. 77) ... 33

Public Inquiry :
under Housing (No. 2) Act (c. 52), s. 1 (2) 17

Punishment. *See* **Penalties and Punishments.**

(a) No Proclamation has (Oct. 9th, 1914) been made making postal orders no longer legal tender (as empowered by s. 1 (6)), or making Scottish and Irish bank notes no longer legal tender for an unlimited amount in Scotland or Ireland respectively (as empowered by s. 4).

(b) No Proclamation was ever issued under this Act which was repealed, 4 & 5 Geo. 5. c 65, s. 4 (3) ; *see* Proclamation under s. 2 of this latter Act, p. 96.

PAGE

Quarter Sessions, Appeal to. *See* **Summary Jurisdiction.**

Queensland. Supreme Court constituted a Prize Court 527

Railways.
  Order in Council under s. 16 of the Regulation of the Forces Act, 1871 (34 & 35 Vict. c. 86) declaring that an emergency has arisen in which it is expedient Government should have control of the railroads of Great Britain 368
  Warrant empowering the President of the Board of Trade to take possession of all such railroads (excluding tramways) 367
  Power by "Defence of the Realm Regulations" to secure the safety of railways (c. 29, s. 1 (b)) 13, **409**
  Trespassing on, or loitering near bridges, &c. prohibited (Defence of the Realm Regs. 9) 147, **412**

Rates.
  Rates (Proceedings for Recovery) Act 1914 (4 & 5 Geo. 5, c. 85) extending the time prescribed by 11 & 12 Vict., c. 43, s. 11, for taking proceedings for the recovery of Rates 42
  Recovery of under 4 & 5 Geo. 5, c. 78. *See* **Courts (Emergency Powers).**

Realisation of Securities (other than mortgages and pawnbrokers' pledges).
  Suspension of right of, under Courts (Emergency Powers) Act, (c. 78), ss. 1 (1) (*b*), (7), 2 (2) 35

Receiver and Manager.
  Appointment by High Court under Trading with the Enemy Act (c. 87), s. 3, of controller of certain businesses with receiver's powers 45

Records
  of Prize Court ; minute and caveat books 295

Re-entry.
  Suspension of right of, under Courts (Emergency Powers) Act (c. 78), s. 1 (1) (*b*) 35

Registration
  of Aliens residing in the U.K. (Alien Restriction (Consolidation) Order, 1914 (Arts. 17–21)) 72

Regulation of the Forces Act, 1871 (34 & 35 Vict. c. 86).
  Order in Council under s. 16 as to Government control of railroads 368

Rent (under £50 per annum).
  Suspension of right to recover under Courts (Emergency Powers) Act (c. 78), s. (1) 35

Reports creating Disaffection or Alarm.
  Power to prohibit spreading of (Defence of the Realm (No. 2) Act (c. 63)) 22, **409**
  Spreading of, prohibited. (Defence of the Realm Regs., 21) ... 153, **414**

Requisition of Ship by Admiralty. *See* **Ships.**
  by Belligerent. *See* **Enemy Ships.**

Requisitions of Emergency requiring justices of the peace to issue warrants for the provision of carriages, animals, vessels, aircraft, food, forage and stores :—
  ARMY REQUISITIONS. Act (c. 26) extending Army Act, s. 115, &c. to food, forage and stores 11
  Orders under Army Act, s. 115, authorizing General or Field Officers to issue requisitions 90–93
  NAVAL REQUISITIONS. Act (c. 70) extending to the Naval Forces the provisions of the Army Act as extended to food, forage and stores to requisitions 28
  Modifications effected by the Admiralty in the Army Act as so applied 220–226

PAGE

Residence, Cessation of.
  Power to direct any suspected person to cease to reside in any specified area, within specified time. (Defence of the Realm Regs. 24A) 153, **415**

Restaurant (with retailers' licence).
  Restriction on sale and consumption of intoxicating liquor in, under Intoxicating Liquor (Temporary Restriction) Act (c. 77) ... 33

Retailers' Licence.
  [These licences are those specified in Finance (1909 10) Act, 1910, Sch. 1.]
  Restriction on sale of intoxicating liquor by holder of, under Intoxicating Liquor (Temporary Restriction) Act (c. 77) 33

Returns
  of Articles of Commerce to Board of Trade. *See* **Articles of Commerce.**
  of Currency Notes (in Gazettes). *See* **Currency Notes.**

Road.
  Diversion of or stoppage of, for purposes of any work of defence. (Defence of the Realm Regs., 3C) 152, **410**

Rules of Procedure:
  EMERGENCY STATUTES AUTHORISING
    Courts (Emergency Power) Act (c. 78) s. 1 (1) (a) (b) (5) ... 35, 36
    Patents Designs and Trade Marks (Temporary Rules) Acts (c. 27, s. 1; c. 73, s. 1) 12, 30
    See also **Prize Courts.**

Russia.
  Ports of (except Baltic ports), excepted from certain prohibitions on exportation **406**
  Ports of, trade with, excepted from provisions as to certificates of origin and declarations of ultimate destination 521

Sailors.
  Billeting of. *See* **Billeting.**
  Health Insurance under non emergency Regulations. *See* Note (**c**) 194
  Separation Allowances to Wives and Children 209
  Services of Time-expired men extended... 205

Salvage. *See* **Prize Salvage.**

School Teachers Superannuation.
  Act (c. 66) enabling certificated teachers in England and Wales to reckon service in connection with the War for pension purposes 25
  Application of Act to Isle of Man and Jersey (c. 66), s. 2 26
  List of Rules under Elementary School Teachers (Superannuation) Acts ... ... footnote (**a**) 26
  Act (c. 67) for Scotland similar to (c. 66) above 26

Scotland, Emergency Statutes or Orders relating exclusively to. *See* **Board of Agriculture for Scotland; Court of Session; Courts (Emergency Powers); Local Government Board for Scotland; National Health Insurance; Police (Limit of Age); School Teachers Superannuation; Secretary for Scotland; Sheriff, Scotland; Sheriff Court, Scotland; Special Constables.**

Search for Arms, &c., of Alien Enemies: Home Office Statement as to 516

Search of buildings, land and vessels. (Defence of the Realm Regs. 12) 148, **412**
  and of vehicles on roads. (Defence of the Realm Regs. 12A *bis*) 153, 155

Search of Vessels.
  Resistance to involves condemnation (Declaration of London, Art. 63 and Commentary) 462, **508**

(**a**) The exceptions, of which the Fairs Act is one, are very few.

PAGE

Secretary of State.
Note.—The Emergency Statutes, like almost all other statutes,(**a**) refer to "the Secretary of State" (*i.e.*, "one of His Majesty's Principal Secretaries of State for the time being," *see* Interpretation Act, 1889, s. 12 (3)), and not to the Secretary of State for any particular branch of the Secretariat, though in practice each Secretary of State's administration is confined to his own Department. Therefore, all the statutory powers and the emergency orders of the Secretariat are here listed under one heading, but cross references are given under each of the five offices to the subjects of their emergency administration.
POWERS UNDER EMERGENCY STATUTES :—
Aliens Restriction Act, 1914 (c. 12) 6
Intoxicating Liquor Temporary Restriction Act, 1914 (c. 77) ... 33
Trading with the Enemy Act, 1914 (c. 87), s. 2 (1) 43
EMERGENCY ORDERS OF OR DIRECTLY CONCERNING :—
Aircraft, Order prohibiting navigation of 47
Aliens Restriction "Consolidation" and "Change of Name" Orders 68, 515
Army, &c. *See* **Army ; Army Reserve ; Territorial Force.**
Defence of the Realm Regulations 146–158, **409–417**
Isle of Man. *See* **Isle of Man.**
Special Constables Order, 1914 370
Trading with the Enemy, Licence of Secretary of State under par. 8 of Proclamation No. 2 381
The Proclamations and Orders in Council made on representations of a Secretary of State are indexed under their subject headings.
See also **Police Constables.**

Secretary for Scotland.
POWERS UNDER EMERGENCY STATUTES :—
Intoxicating Liquor (Temporary Restriction) Act, 1914 (c. 77), s. 2 (2) 34
Police (Scotland) Limit of Age Act (c. 69), s. 1 27
Special Constables (Scotland) Act (c. 53), s. 2 19
Trading with the Enemy Act (c. 87), s. 4 (3) 45
EMERGENCY ORDERS OF :—
Police. Order under c. 69, s. 1, prescribing the limit of age ... 237
Special Constables. Order under c. 53, s. 2, as to Orkney and Shetland 374

Security for Payment of Debt.
Suspension of right of realisation of under Courts (Emergency Powers) Act (c. 78), s. 1 (1) (*b*) (7) 35
Giving of, to or for the benefit of enemy prohibited. (Trading with Enemy Proclamation No. 2, Art. 5 (2)) 379

Securities. *See* **Stocks, Shares and Securities.**

Sederunt, Act of, under Courts (Emergency Powers) Act (c. 78) 125–127

Separation Allowances in respect of War Service.
To Wives, Children and Dependents of Constables. *See* **Police Constables.**
To Wives and Children of Sailors and Soldiers 94, 209

Sequestration, Petition for
Stay of proceedings under Courts (Emergency Powers) Act (c. 78), ss. 1 (3), 2 (2) 36

Session, Court of (Scotland). *See* **Court of Session.**

Shares. *See* **Stocks, Shares and Securities.**

Sheep-scab and **Sheep-dipping.** *See* **Diseases of Animals.**

Sheriff, Scotland.
Powers of under Aliens Restriction Act, 1914 (c. 12) 6

(**a**) The exceptions, of which the Fairs Act is one, are very few.

PAGE

Sheriff Court, Scotland.
Procedure under Courts (Emergency Powers) Act, 1914 (c. 78) ... 35

Sheriff Depute, Scotland.
Power to apply for order to restrict sale and consumption of exciseable liquors under Intoxicating Liquor (Temporary Restriction) Act (c. 77) 33

Shetland, Special Constables in. *See* **Special Constables.**

Shipowners.
Representation of on Admiralty Transport Arbitration Board 387, 391

Ships.
Condemnation of, evidence and hearing of cause for 274–277
Defence of the Realm Powers. *See* **Vehicles and Vessels.**
Requisition of by Admiralty, procedure in Prize Court cases ... 287
A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.
Requisitions of Emergency. *See* **Vehicles and Vessels.**

Sierra Leone.
Supreme Court constituted a Prize Court 527

Signalling Apparatus. *See* **Telegraphs, &c.**

Sind. Court at Karachi of Judicial Commissioner in Sind constituted a Prize Court 527

Sketching
Of naval or military work or defended harbour prohibited (Defence of the Realm Reg. 15) 148, **413**

Slaughter of Animals.
Act (4 & 5 Geo. 5, c. 75) authorising the Boards of Agriculture to by Order restrict the slaughter of animals used for food for the purpose of maintaining a sufficient breeding stock (**a**) 31

Small Tenements.
Suspension of right to recover possession of (in accordance with Small Tenements Recovery Act, 1838 (1 & 2 Vict. c. 74)) under Courts (Emergency Powers) Act (c. 78) s. 1 (4) 2 (2) 35

Small Tenements (Recovery) Act, 1838.
Proceedings under Courts (Emergency Powers) Act, 1914 (c. 78), s. 1 (4) 36

Soldiers.
Billeting of. *See* **Billeting.**
Continuation of, in Army Service 86
Health Insurance under non-emergency Regulations. *See* Note (**c**)... 194
Separation Allowances to Wives and Children... 94

Soldiers specially enlisted for the purposes of the present War :—
Health Insurance of :—
Regulations of Insurance Commissioners 193
" Scottish Insurance Commissioners 525
" Welsh Insurance Commissioners 195
Numbers of (Army Votes) 93, 94

Solicitor-General, or **Solicitor-General for Ireland.**
Consent of requisite to prosecution under Trading with the Enemy Act, 1914 (c. 87), ss. 1 (4), 4 (2) 43, 45

South Africa, Union of.
Trading with the Enemy, powers of Governor-General ... 529, 530
The Cape of Good Hope and Natal Provincial Divisions of the Supreme Court constituted Prize Courts 527

(**a**) No Order has (Oct. 9th, 1914) been made under this Act.

PAGE

South Australia. Supreme Court constituted a Prize Court ... 527

Spain, Ports of, excepted from certain prohibitions on exportation ... **406**
,, trade with, excepted from provisions as to certificates of origin and declarations of ultimate destination 521

Special Constables.
Act (4 & 5 Geo. 5. c. 61), enabling His Majesty, by Order in Council, to make Regulations with respect to Special Constables appointed during the War under, as regards England, the Special Constables Act, 1831, or s. 196 of the Municipal Corporations Act, 1882, and corresponding enactments relating to Scotland and Ireland, (**a**) authorising their appointment although no riot has taken place, and providing for allowances and gratuities ... 20
Special Constables Order, 1914 370
Special Constables (Scotland) Order, 1914 373
Act (4 & 5 Geo. 5. c. 53), amending the law relating to the Appointment of Special Constables in Scotland and extending ss. 96 to 98 of the Burgh Police (Scotland) Act, 1892, with modifications to counties 19
These sections of the 1892 Act as to extended and modified, are printed in Appendix E 440
Order by the Secretary for Scotland (October 5th, 1914) adapting the provisions of the Special Constables (Scotland) Act, 1914, and ss. 96 to 98 of the Burgh Police (Scotland) Act, 1892, in their application to Orkney and Shetland 374

Special Intelligence Department.
Home Office Statement as to 516

Spies. *See* **Espionage.**

Sporting Purposes (Ammunition for). *See* **Explosive Substance.**

Stamp Duty. No additional duty payable in consequence of postponement of payment by Proclamation unless Proclamation so directs (Postponement of Payments Act (c. 11), s. 1 (2)) 5

State of War. *See* **War, Notifications of a State of War.**

Statutes (Emergency).
Table shewing their duration where expressed to be temporary and the extent to which they are affected by subsequent Statutes ... 3, 4

Statutory Declaration (Forms of):
by Special Constable (Special Constables Order, 1914, Art. 3) ... 371
of Ultimate Destination of Goods 525

Statutory Rules and Orders.
Numbering, Citation, Printing, and Sale of iv

Stipendiary Magistrates. *See* **Summary Jurisdiction.**

Stocks, Shares, or other Securities.
Transactions in, with enemy, prohibited (Trading with Enemy Proclamation No. 2, Art. 5 (5)) 379
Licence (under Proclamation) permitting certain payments 381

Stores.
Requisitioning of, by military officers 90–93
,, ,, naval officers 220–226

Straits Settlements. Supreme Court constituted a Prize Court ... 527

Sugar.
Exportation of refined and unrefined, molasses, and "invert" to all destinations prohibited 164–170, 174, **405**
Importation of "Enemy produced" raw or refined sugar prohibited 385

(**a**) No Order in Council has (Oct. 9th 1914) been made under this Act in its application to Ireland.

PAGE

Summary Jurisdiction and Proceedings:
under Aliens Restriction Act, 1914 (c. 12), s. 1 (2) 7
„ Articles of Commerce (Returns, &c.) Act (c. 65) s. 1 (3) ... 24
„ Courts (Emergency Powers) Act (c. 78) s. 1 (as limited by Order in Council of September 17th), and Rules and Directions under Act (**a**) 35, 114–136
„ Intoxicating Liquor (Temporary Restriction) Act (c. 77) s. 1 (2), Appeal to Quarter Sessions 33
„ Slaughter of Animals Act (c. 75) s. 3 31
„ Trading with the Enemy Act (c. 87), ss. 1 (1) (**a**), 2 (3) ... 42, 44
Section 11 of the Summary Jurisdiction Act, 1848, not to apply to proceedings taken under the Rates (Proceedings for Recovery) Act (c. 85), s. 1 42
"Summary Jurisdiction Acts" what included in *footnote* (**a**) ... 7

Superannuation. *See* **Police Constables, Naval and Military Service; School Teachers Superannuation; Special Constables.**

Suspensory Act, 1914.
Act (4 & 5 Geo. 5, c. 88) suspending all steps to put the Government of Ireland Act, 1914 (c. 90), into operation, and postponing the date of disestablishment under the Welsh Church Act, 1914 (c. 91), until September 18th, 1915, or such later date (not being later than the ending of the War) as may be fixed by Order in Council... 46

Sweden.
Certificates of origin required as to imports from certain ports of ... 523

Tapping Wireless or other Messages. *See* **Telegraphs.**

Tasmania.
Supreme Court constituted a Prize Court 527

Taxation of Costs.
In Prize Court cases 279
A full Index to the Prize Court Rules and Forms is printed at pp. 353–364.

Teachers Superannuation. *See* **School Teachers Superannuation.**

Telegraphs, Telephones and Signalling Apparatus. *See also* **Wireless Telegraphy.**
Injuring or tampering with, or interfering with the sending or delivery of, or possessing apparatus for tapping messages, prohibited. (Defence of the Realm Regs. 16) 149, **413**

Territorial Force.
ELECTORAL DISABILITIES. Removal of, caused by absence on War service (c. 25) 11
EMBODIMENT OF. Proclamation embodying the Territorial Force ... 87
HEALTH INSURANCE Act (c. 81), extending s. 46 of the National Health Insurance Act, 1911, as to previously insured officers of the Force 39
Regulations thereunder as to insurance of such officers ... 193–197, 525
Regulations under earlier powers (*see* note (*c*) p. 194) as to insurance of men of Force 197–204

Trade Marks. *See* **Patents, Designs and Trade Marks.**

Trading with the Enemy.
Proclamation, Aug. 5, 1914, as to Trading with the German Empire ... 375
Extension by Proclamation of Aug. 12 (Art. 2) to Austria-Hungary 98
Official Announcement, Aug. 22, 1914, in explanation of Proclamation 377
Trading with the Enemy Proclamation, No. 2 (Sept. 9) prohibiting payments to, compromises, negotiable instrument, share, and insurance transactions, supply to or obtaining from enemy goods, &c., British ships communicating with enemy country, and other transactions 378

PAGE

Trading with the Enemy—*continued.*
  Licences granted under par. 8 of Proclamation, No. 2, permitting :—
    certain Payments, Exchange Transactions and Receipts (Sept. 22) 381
    payment of certain Fees in respect of Patents, Designs and Trade Marks 381
    British owners of Cargo lying in neutral ports in enemy-owned ships to pay Freight 383
  Board of Trade Announcement as to such British cargo 383
  Proclamation (Sept. 30) extending the prohibitions of Proclamation No. 2 to importation of Sugar 384
  Proclamation (Oct. 8) further extending the said prohibitions and providing that the Secretary of State's power of granting licences under par. 8 of Proclamation No. 2 shall be exercisable by Governor-Generals and Governors 530
  Trading with the Enemy Act, 1914 (c. 87), imposing penalties on persons trading with the enemy in contravention of Proclamation, Statute, or Common Law: inspection of books and documents: receiver of offending business 42
  Declarations of Ultimate Destination and Certificates of Origin required from all Foreign, European, Mediterranean or Black Sea ports, except those of Allies and Spain and Portugal subject to various exemptions 521

Training of Naval or Military Forces.
  Use of land for. (Defence of the Realm Regulations, 3A) 521

Tramways. Excluded from Warrant as to Government Control of **Railways** (q.v.) 367

Transports and Auxiliaries.
  Proclamation of August 3, 1914, authorising Admiralty to requisition any British Ship or British Vessel within British Isles or waters adjacent thereto 386
  Notification of August 11, 1914, as to Constitution of Admiralty Transport Arbitration Board 387
  Notification of August 31, 1914 (superseding that of August 11), as to Constitution of Admiralty Transport Arbitration Board ... 390

Treason. *See* **High Treason.**

Treasury.
  POWERS UNDER EMERGENCY STATUTES :—
    to issue and call in currency notes (c. 14), ss. 1 (4) (5), 2 ... 9
    to authorise Bank of England and Scottish or Irish Bank of issue to issue banknotes beyond limit (c. 14, s. 3) 10
    to consent to acquisition and disposal of land and buildings for housing (c. 52, s. 1) in England and Scotland 17
      and in Ireland (c. 71) 29
    to pay or borrow for expenses under the Act (c. 52), (c. 52), s. 2 18
    for supply, power enlarged to raise money as they think fit (c. 60), s. 1 20
    to exchange notes called in for other notes (c. 72), s. 1... ... 29
    to give a covering certificate instead of issuing notes (c. 72), s. 2 29
  EMERGENCY ORDERS, MINUTES, LETTERS, &C., OF :—
    Bills of Exchange, assistance in regard to 101–106
    County Court Fees under Courts Emergency Powers Act ... 113
    Currency and Bank Notes Act (c. 14), arrangements under ... 136
    Trading with the Enemy Proclamation of August 5, Announcement as to (revoked by Proclamation No. 2, p. 375) 377
    Vote of Credit, Minute of August 20th as to 396–400
      Proclamations and Orders in Council made on representations of the Treasury are indexed under subject headings.

Trespass
  on railway forbidden. (Defence of the Realm Regs., 9) ... 147, **412**

Trinidad. Supreme Court constituted a Prize Court 527

Tuberculosis (of Animals). *See* **Diseases of Animals.**

PAGE

Ultimate Destination of Merchandise. Certificates of, required in certain cases 521

Uniform, Dress, or Accoutrements.
  Army Act, s. 156, applied with modifications to disposal or pledging of naval uniforms (c. 89) 46
  Fine (£10) on summary conviction for assuming dress or accoutrements of Special Constable. (Special Constables Order, Art. 10; Special Constables (S) Order, Art. 2) 371, 373

Unreasonable withholding of Articles from Market.
  Unreasonable withholding of Food Supplies Act (c. 51) 16
  Act (c. 65), s. 2, empowering Board of Trade in pursuance of Proclamation to take possession of articles unreasonably withheld 24
  Repeal of earlier Act (c. 51) 25

Vehicles and Vessels.
  Entrance by force on and search of vessels. (Defence of the Realm Regs. 12) 148, **412**
  List of to be furnished by persons within specified area (Defence of the Realm Regs., 5)... ... ... 147, **411**
  Removal of, within specified area and time, power to order. (Defence of the Realm Regs.. 4) 147, **411**
  Requisitioning of by military officers 90–93
  ,, ,, naval officers 220–226
  Stopping and searching of vehicle on highway (Defence of the Realm Regs., 12A) 153, **412**

Vice-Admiralty Prize Courts. *See* **Prize Courts.**

Victoria. Supreme Court constituted a Prize Court 527

Vote of Credit.
  Treasury Minute of August 20th, 1914, as to the arrangements to be made for apportioning and accounting for the Vote of Credit for £100,000,000 granted by the House of Commons on August 6th for expenses arising out of the State of War ... 396–400
  Raising of money voted. *See* **War Loan.**

War Loan *See also* **Vote of Credit.**
  Act (4 & 5 Geo. 5. c. 60) empowering the Treasury to raise the War Loan in such manner, and subject to such conditions, as they may think fit 20

War, Notifications of a State of.
  Notification of existence as from 11 p.m. on August 4th, 1914. of a State of War with Germany... 1
  Notification of existence as from midnight of August 12th, 1914, of a State of War with Austria-Hungary 1

War Office. *See* **Army; Defence of the Realm;** *and also* **Army Council; Secretary of State.**

War Service.
  See **National Health Insurance; Police Constables, Naval and Military Service; School Teachers' Superannuation.**

Warlike Stores.
  Proclamations and Orders of Council modifying same prohibiting the exportation of certain Warlike Stores from the (**a**) United Kingdom—
    to any place whatsoever ... 160, 164–176, 520, **403–406**
    to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic Ports), Belgium, France, Spain, and Portugal 162, 168, 172, 175, 520, **406–407**

(**a**) For Customs purposes the Isle of Man forms part of the United Kingdom, 39–40 Vict., c. 36, s. 277; 1 & 2 Geo. 5. c. 46, s. 14 (6).

Attention is directed to the Note at p. 532, which describes the plan of the INDEX *and its scope.*

PAGE

Welsh Church Act, 1914 (c. 91). *See* **Suspensory Act** (c. 88) 46

Welsh Insurance Commissioners. *See* **National Health Insurance.**

Western Australia. Supreme Court constituted a Prize Court ... 527

Wife of Absentee on War Service.
  Poor relief received by not to disqualify husband as elector 11
  Separation allowance to wife of Constable. *See* **Police Constables.**
  Separation allowance to wife of Sailor or Soldier 94, 209

Windward Islands. Royal Court of St. Lucia constituted a Prize Court 527

Wireless Telegraphy. *See also* **Telegraphs.**
  Notice of "Emergency," and of Government control over Wireless Telegraphy 402
  Admiralty regulations for prohibition of use of in territorial waters of United Kingdom and Channel Islands 402
  Home Office Statement as to Wireless Telegraphy Acts 516

Within doors (Ordering persons to remain).
  Naval or military authority at defended harbour or proclaimed area may order persons to remain within doors between specified hours and in specified areas (Defence of the Realm Regs., 24) 149, 154, **415**

Working Classes, Housing of. *See* **Housing of the Working Classes.**

Workmen's Compensation Act, 1906 (6 Edw. 7, c. 58). *See* **Injuries in War.**

Zanzibar, His Britannic Majesty's Court for.
  Note as to constitution of this Court ... ... *footnote* (**f**) 253
  Power by Order in Council to confer prize jurisdiction on 37
  Order in Council conferring such jurisdiction 253

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